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OPINIONS

ON

INTERESTING SUBJECTS

OF

PUBLIC LAW AND COMMERCIAL POLICY;

ARISING FROM

AMERICAN INDEPENDENCE.

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§ 1. The queſtion anſwered—Whether the Citizens of the United States are conſidered by the Law of England as Aliens; what Privileges are they entitled to within the Kingdom; what Rights can they claim in the remaining Colonies of Britain.

§ 2. The Regulations for opening the American Trade conſidered; Faults found; and Amendments propoſed. How the late Proclamations affect the United States diſcuſſed: Objections pointed out; and Alterations ſuggeſted.

§ 3. How far the Britiſh Weſt Indies were injured by the late Proclamation fully inveſtigated; the Amount of their Wants diſcovered; Modes of Supply ſhewn; And the Policy of admitting the American Veſſels into their Ports amply argued.

§ 4. An Enquiry how far a Commercial Treaty with the American States is neceſſary, or would be advantageous: What the Laws of England have already provided on this Subject; and the fundamental Laws of the United States compared with them.

BY GEORGE CHALMERS,

AUTHOR OF

POLITICAL ANNALS OF THE REVOLTED COLONIES,

AND OF

AN ESTIMATE OF THE COMPARATIVE STRENGTH OF BRITAIN.

A NEW EDITION, CORRECTED.

LONDON:

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I UNDERSTAND not the World ſo little as not to know, that he that will faithfully ſerve his Country, muſt be content to paſs through good report and evil report: Neither regard I which I meet with: TRUTH I AM SURE AT LAST WILL VINDICATE ITSELF, and BE FOUND BY MY COUNTRYMEN, ſaid

SIR JOSIAH CHILD.

OPINIONS

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THE acknowledgment of the Independence of the United States of America was certainly an event of conſiderable conſequence to Great-Britain. To be freed from foreign war is always an object, which cannot be purchaſed at too high a price, while the national honour forms no part of it. The enjoyment of domeſtic tranquility, with all its pleaſures and advantages, is a bleſſing of ſtill higher value, which cannot be too much prized; and which ought to be preſerved therefore by almoſt any ſacrifice.

When the Proviſional Articles cloſed the American controverſy, which having endured for years, had embittered private enjoyment and diſturbed public repoſe, an unuſual calm enſued. But, in a nation, where intereſt is always active and faction is often malicious; where many communicate their thoughts on ſtate tranſactions, becauſe every one has a right to do ſo; the long continuance of quiet is more to be deſired, than reaſonably to be hoped for.

The ſituation, at once uncommon and ill-underſtood, wherein the acknowledgment of Independence had placed Great-Britain and the American States, ſoon gave riſe to many difficult queſtions of public law and commercial policy. The attention of the world was again rouſed, by ſucceſſive publications; which propagated very different opinions and propoſed very diſſimilar meaſures. Amid theſe anxieties many aſked for intelligence; ſome to confirm prepoſſeſſion; a few to gratify avarice: But, he who, in order to allay that ſolicitude, inſtructs himſelf before he preſumes to offer inſtruction to others, may claim at leaſt a patient peruſal, while he diſcharges the duty, which he owes to a public, at once inquiſitive and liberal. The author of the following ſheets in this ſpirit ſubmits his humble ſentiments on topicks, whereon the well meaning and intelligent have thought very variouſly, with that freedom which belongs to one, who is conſcious of good intentions without intereſt, and with that plainneſs of language,

language, which is more ſtudious of perſpicuity than ambitious of ornament.

§ 1. Previous to any ſtable regulation of the American trade, by the legiſlature, it is ſurely of importance to know, whether the citizens of the American States are now conſidered by our laws as ſubjects, or as aliens. Certainty in juriſprudence is doubtleſs the beſt preventive of diſputes. Yet, is there little ſaid on a queſtion, which is ſo intereſting to the public and to individuals, in the treaty, that acknowledged the Independence of the United States. To point out however what might have been provided on this difficult ſubject, either by prior act of Parliament, or by ſubſequent ſtipulation, would only carry us into a thorny path, leading to a field, unfruitful of amuſement or inſtruction. To examine the face of things as they are is as much the buſineſs of Statesmen as it is the duty of legiſlators to look back only with a regard to the proſpect.

The treaty, it muſt be however allowed, is explicit enough, as to the political aſſociations, that compoſe THE STATES, which are acknowledged to be free and independent; but it is altogether ſilent as to THE INDIVIDUALS, who formed thoſe celebrated confederations: It admits the thirteen ſocieties, in their aſſociated capacity, to be ſovereign, by relinquiſhing all claim of government over them: But, it does not explicitly renounce the allegiance of thoſe coloniſts, who, at the epoch of the peace, were ſtill Britiſh ſubjects, in contempla-

tion of British law. For, it does not declare, that even the citizens of the United States shall be deemed aliens in future: And, much less does it either except, or disown, those faithful subjects; who, having refused to renounce their allegiance, were denominated *Nonjurors*, by the American code; and who, having never done any act inconsistent with their fidelity to the Crown, merited by their hazards at least the accustomed stipulation, that they might dispose of their property, without hindrance, and afterwards retire, without further persecution.

The mere act of residence within the limits assigned to the United States, might have been considered as a misfortune, but it could not have surely been deemed an offence. To submit to a force which they could not resist; to pay treble taxes that they could not refuse; are regarded as crimes by no social system, except by the new-fangled laws of South Carolina alone *. It has proved happy for Britain, that her laws declare with the united voice of reason and humanity: "That if enemies or rebels come with a superior force and exact contributions, submission is not so much criminal as prudent, to prevent a public evil of greater magnitude †."

The

* The Jacksonborough Assembly of 1782 excluded from the right of citizenship all those, who having made a temporary submission to the British army, were denominated *protection-men*.

† Forster's Crown Law. 8vo. edit. p. 217.

The faithful American ſubjects of Great Britain having been born within the King's dominions, were by this circumſtance alone conſtituted freemen of this realm: By their birth within the allegiance of the Crown they acquired a variety of rights, which by our lawyers are emphatically ſtyled their *birth-rights*; and which can never be forfeited, except by their own miſbehaviour, and can never be taken away, but by the will of their fellow-citizens, expreſſed by act of Parliament. An alien cannot be admitted a freeman of this kingdom without the conſent of the community, by an act of naturalization: neither can an innocent freeman be disfranchiſed, except by the conjoint voice of the nation by act of Parliament. And the reaſon of both theſe rules may be found in the original compact itſelf; which provided, that no one ſhould be admitted a contracting party, without the conſent of the whole; which equally declared, that a contracting party ſhould not be deprived of the advantages of the compact, while he faithfully performed his original ſtipulations. What ought thus to be the fundamental principle of every Government is expreſsly recognized by THE GREAT CHARTER of England; whoſe language can no more become obſolete, than its proviſions in favour of the rights of human nature can ceaſe to operate. *No freeman*, ſays the boaſt of Britain, *ſhall be ſeized, or impriſoned, or outlawed, or any way deſtroyed, except by the legal judgment of his Peers, or by the law of the land.* But to expel a meritorious

nitorious body of men from the ſociety whereof they had once been members is at once to outlaw and deſtroy them. The American Loyaliſts faithfully performed their original ſtipulations; it was their misfortune ſurely, and not their crime, that after they had riſqued and loſt more than common ſubjects, the community did not, in return, yield them the protection, which they had ſo juſtly merited, and which had been ſo often promiſed them.

If the moſt inſignificant ſubject cannot then be deprived of the moſt trivial privilege, without the moſt poſitive law, we may confidently infer, that a deſerving claſs of ſubjects cannot be bereaved of every ſocial right, by mere implication. Two years have ſcarcely paſſed away, ſince wiſe men and profound lawyers differed in opinion, whether the act of Parliament, empowering the Crown to make a peace or a truce, with the revolted Colonies, enabled the Miniſters of the Crown to acknowledge the Independence of the United States. Whatever foundation there might have been for that unhappy difference, the ſubſequent recognition of the Legiſlature has removed every future doubt. Yet, had a power been poſitively given to renounce the allegiance of thoſe colonial ſubjects, who, in oppoſition to violence and even to neglect, remained unalterably attached to the Britiſh Government, that power has not been by the American Treaty in any manner executed; as we may learn from its ſilence, where it ought to have

ſpoken

ſpoken in the moſt audible tone. In confirmation of the general inference, that the before-mentioned loyal perſons, who, at the epoch of the peace, remained within the limits of the United States, are ſtill conſidered as ſubjects by our laws, judicial authorities might be quoted, if it were thought neceſſary to cite the deciſions of judges for the eſtabliſhment of doctrines; which, having been interwoven into our conſtitution, are taught us in our youth and are imprinted on our hearts.

It is nevertheleſs a very different conſideration, with reſpect to thoſe Coloniſts; who having atchieved the late revolution, by their efforts, now form, by their reſidence, the citizens of the United States. Rights may be undoubtedly forfeited, though privileges cannot be arbitrarily taken away. A man's crimes, or even miſconduct, may deprive him of thoſe immunities, which he might have claimed from birth, or derived from an act of the Legiſlature: He may be outlawed by the ſentence of a court of juſtice, or he may be baniſhed by the united ſuffrages of his countrymen. The American citizens, who voluntarily abjured their Sovereign, avowed their deſign to relinquiſh the character of ſubjects: The American citizens, who ſwore fidelity to the Government of their own choice, thereby declared their election, that they would be no longer connected with a State, which had mortified their prejudices rather than bereaved them of rights: And by that conduct and by thoſe offences the revolted Coloniſts forfeited to the law

all

all that the law had ever conferred on them. The American Treaty however acknowledged that avowal: The recognition of Parliament legalized that election. But whether that act of the Britiſh Government, or that act of the Britiſh Legiſlature, ought to be conſtrued as a relinquiſhment of their obedience, or as a pardon of their faults, is a problem, which, at this day, does not merit a formal ſolution.

The law of England (as we all know) hath divided the reſidents within the Britiſh dominions into two claſſes; 1ſt, into that of ſubjects; 2dly, into that of aliens, who are ſubdivided into a body denominated denizens; a name, which implies, that they had once been aliens, but had been admitted by their denization, to ſome of the privileges of ſubjects.

But the law of England knows nothing aſſuredly of a *real* ſubject or *unreal* ſubject; ſince the term ſubject does not admit of the degrees of more or leſs, of genuine or ungenuine: And, every one muſt conſequently be either a ſubject to all intents, or to no intent. To admit novelties into our language is almoſt as dangerous, as it is to allow innovations in our law. The captious epithet *real* was prefixed in the Treaty * to the well-known terms

* The American negotiators have at length explained to the world the import of the perplexing expreſſions *real* Britiſh ſubjects, by their letter to the Congreſs, dated the 18th of July, 1783, and publiſhed in the Pennſylvania Independent Gazette of the 24th of April, 1784: "The Britiſh Miniſters, ſay the negotiators, were unwilling to make uſe of

terms *Britiſh ſubjects*, with deſign to diſtinguiſh thoſe Britiſh ſubjects, who, having been born without the preſent United States, never permanently reſided within them, from thoſe Britiſh ſubjects, who, having fixedly dwelt within the revolted colonies, ſacrificed their all at the ſhrine of their attachments to the Britiſh Government. And a narcotick was looked for, it ſeems, to prevent theſe meritorious ſubjects from feeling their wounds, though they had been already wounded beyond cure. But, on whatever motive the Britiſh negotiators acted, the American negotiators inſerted thoſe unuſual expreſſions into the Treaty, in order to gain a virtual acknowledgment from the Britiſh Government, that the Britiſh Colonies had always been independent, or had at leaſt been intitled to Independence: in making this virtual acknowledgment the Britiſh Government in ſome meaſure admitted, that there had exiſted under the colonial ſyſtems two ſorts of ſubjects, Britiſh ſubjects and American ſubjects; and thereby admitted in ſome meaſure the conſequence which was probably meant to be drawn from it; that the American loyaliſts, having been

any terms that might give uneaſineſs to the *Refugee Tories*, and the terms *real Britiſh ſubjects* were well underſtood and aſcertained, not to mean, or comprehend *American Refugees*: and it was only a mere delicate mode of excluding the *Refugees*, and making a proper diſtinction between them and the ſubjects of Britain, *whoſe only particular intereſt in America* conſiſted *in holding lands and property*." And thus have we aſcertained who are, and who are not *real* Britiſh ſubjects.

American ſubjects, had incurred confiſcation, becauſe, in their active adherence to the Britiſh Government, they had violated their allegiance to the United States. The pretenſion and the admiſſion were both equally irrational and illegal. However, by that ſignal tranſaction both parties admitted, that the citizens of the American States were to be regarded in future as aliens.

The American citizens can therefore, by no mode of ſpeech, or by any principle of law, be deemed Britiſh ſubjects; unleſs thoſe aſſociations of mankind are ſubjects, who owe no allegiance to the Britiſh Crown, or any obedience to the Britiſh Government; that allegiance, which is ſaid to include all the engagements owing from ſubject to Sovereign; that obedience, which is ſtyled emphatically the very eſſence of law. But, the King of Great Britain has formally relinquiſhed all claim of ſovereignty over the United States, and all pretence of government over the American citizens: And the Parliament, by recognizing the act of renunciation, virtually expreſſed the aſſent of the community to the expulſion of the American citizens from the ſocial compact, which binds every member of the Britiſh State together. The citizens of the American States are not certainly denizens, becauſe they can ſhew no letters of denization, which indeed would prove, that they had been aliens previous to their denization. Now, he who is neither a ſubject, nor a denizen, is deemed by the law of England an alien.

Were

Were we turn over only a few pages of hiſtory, we might diſcover illuſtrations of the foregoing reaſonings, though we ſhould probably find no precedent of a people, who continued Engliſh ſubjects, after the Engliſh Government had renounced their obedience. The ancient annals of Scotland will furniſh ſtriking examples. When Edward I. by his policy more than by his power, acquired from the meanneſs of Baliol, and the ſubmiſſion of the nobles, the virtual ſovereignty, though not the direct dominion of Scotland, the Scots became by that ſignal event the fellow ſubjects of Engliſhmen: When Scotland, in her turn, regained, by the gallantry or prudence of Bruce, her ancient independence, the Scots immediately became aliens to their too powerful neighbours: Yet the Engliſh did not formally renounce the government of a nation, whoſe obedience they were unable to enforce. And the Scots continued aliens even after the fortunate acceſſion of James I. to the throne of England. Thoſe Scotſmen alone, who were born after that epoch, were conſidered as fellow ſubjects of Engliſhmen, till a much happier event inſeparably united the two kingdoms together.

If from our Iſland we turn our enquiries to the neighbouring continent, we ſhall find that Normandy and Aquitain, Tournay and Calais, were unfortunately once poſſeſſed by the monarchs of England. During that ſad period of foreign expeditions and domeſtic penury, the reſidents of

each of thoſe countries enjoyed all the privileges of ſubjects. When each however became ſucceſſively ſeparated from this realm, the inhabitants of all thoſe foreign dominions became, in their turn, aliens to the Crown. France, too, in an evil hour was conquered by England, during the glorious yet miſerable days of our Edwards. The French became by that unhappy event the fellow ſubjects of Engliſhmen. And to this hour the Britiſh Sovereign enjoys the flattering though unproductive title of King of France: Yet, the French for ages have not been conſidered as Britiſh ſubjects; ſince they certainly owe no allegiance to the Britiſh Crown, or yield any ſubmiſſion to the Britiſh Government. The ſame ſtroke of fortune, either adverſe or happy, which deprived the reſidents of all thoſe provinces and towns of the protection of one common Sovereign, broke aſunder the bands of allegiance, that had formed the connection between them: For, the Engliſh Government being either renounced, or withdrawn, the people continued no longer ſubjects than their obedience could be aſked and enjoined.

Of the truth of the foregoing reaſoning the ceſſion of Surinam by Charles II. to the Dutch furniſhes a direct proof. By the treaty of Breda, it was agreed, "That both parties ſhould retain with *plenary right of ſovereignty, propriety, and poſſeſſion*, all ſuch lands, iſlands, and colonies, as either had theretofore gotten, or retained from the other." Theſe expreſſions are general; yet, indefinite as they

they are, they were deemed of ſufficient force to transfer the allegiance of the Engliſh coloniſts in Surinam to the States-General, and the allegiance of the Dutch coloniſts at New-York to the Engliſh Crown. The Engliſh inhabitants of Surinam were thenceforth conſidered, by the ableſt ſtateſmen of both countries, as ſo exclusively the ſubjects of the United Netherlands, that the King of England could not even interpoſe as mediator between their new Sovereigns * and them. In this manner were the expreſſions *plenary right of ſovereignty*, conſtrued to have coverted coloniſts, who had once been ſubjects, into aliens, who could no longer claim the privileges or protection of the parent ſtate. And from this deciſive precedent we may infer, that there was no neceſſity to inſert, in the American treaty, a clauſe, renouncing the allegiance of the coloniſts, ſince the ſovereignty of the country being relinquiſhed and the government withdrawn, it could anſwer no good purpoſe to retain the faith and ſubmiſſion of the people.

It ſeems thus impoſſible to repel theſe general inferences and that legal concluſion, by the moſt liberal conſtruction, which has ever been made of the various ſtatutes of naturalization from the days of Edward I. to the preſent. The well known law

* MSS. Memorial of John De Witt, with the anſwer thereto.

law * of this celebrated conqueror appears to have received an explanation much larger than the narrowneſs of the words would at firſt ſight juſtify.—The capacity to inherit, which by them were given to the children, "Whoſe *father* and *mother* were at the faith of the King, and who ſhould be born without ligeance of the Crown," has been enlarged by the Judges who wiſhed to contract the diſabilities of aliens, into an act of naturalization †. For, it has been decided, "That though an Engliſh merchant marry a *forcigner* and have iſſue by her born beyond the ſea, that iſſue is a natural born ſubject; yet, if an Engliſh woman go beyond ſeas and marry an alien, who have iſſue born beyond the ſea, *that iſſue are aliens*."

Such was the law prior to the reign of Anne; though an act ‡ of Parliament was paſſed ſoon after the Reſtoration, in favour of a meritorious claſs of men, the children of thoſe ardent loyaliſts, who had followed the fortunes of Charles II. into exile. It was owing more perhaps to momentary paſſion than to any well-weighed policy, that the ſtatute of Anne § was paſſed—"for naturalizing foreign Proteſtants." A collateral clauſe of the act declared, "That the children of natural born ſubjects, born out of the ligeance of the Crown, ſhall be

* 25. Ed. III. Stat. 2. "Of thoſe that be born beyond the Sea."

† Molloy Dejure Marit, Book iii, of Aliens.

‡ 29 Cha. II. chap. 6.

§ 7 Ann. Chap. 5.

he deemed natural born ſubjects of this kingdom." And the Act recited, as the moving principle of the Legiſlature, " That the encreaſe of people is the means of advancing the wealth and ſtrength of a nation." General poſitions in political œconomy always lead to miſchievous error. The Parliament diſcovered ere long, that they had applied the noſtrum of a quack in a caſe, where they ſhould have adminiſtered the medicine of a phyſician. And it became apparent at leaſt to the wiſe, that giving employment to the idle is the only mode of promoting the encreaſe of the people, and of advancing the wealth and ſtrength of a nation; while the inviting of foreigners into a country whoſe preſent inhabitants are not fully employed, is at once to ſtarve the poor and beggar the rich.— It was partly owing to theſe cauſes, and partly to the critical change of the miniſtry, that the clauſe of the ſtatute of Anne, which had naturalized all foreign Proteſtants, was three years afterward repealed *.

Doubts ſoon aroſe, it ſeems, with regard to the conſtruction of the remaining clauſe, allowing *foreign born* children of *ſubjects* the privileges of naturalization, which induced the Parliament to paſs an Act *to explain it* †. And to effectuate this laudable

* By 10 Ann. chap. 5. The Palatines had flocked to England in great numbers, which furniſhed party with matter for accuſation.

† 4 Geo. II. ch. 21.

able purpoſe the Statute of 4th George II. enacted, " That all children who had been born out of the ligeance of the Crown, whoſe *fathers* were natural born ſubjects, at the time of the birth of ſuch children, ſhall be deemed natural born ſubjects." Thus an act of explanation was really converted into an act of reſtriction. For, the more comprehenſive word, *ſubject*, in the Statute of Anne, was converted, by the Statute of George, into the more reſtrictive term, fathers. And it added various proviſos; excluding the children of attainted perſons, then being in the actual ſervice of any Prince at enmity with the Crown; and repelling particularly " the children, whoſe father, at the time of the birth, was liable to the penalties of treaſon, or felony, in caſe of returning into this kingdom without licence " Thus, the Statute of the 4th George II. reſtored the law, as it had for ages been conſidered from a liberal conſtruction of the Act of Edward III. with reſtrictive proviſos againſt the iſſue of delinquent fathers. And from this recapitulation we may reaſonably conclude, that ſince the operation of Edward's law did not prevent whole communities from becoming aliens, when the Government of his feeble ſucceſſors was overturned or withdrawn, much leſs can the ſtatute of the 4th George II. ſave the citizens of the United States, from being regarded by our common law as aliens.

Whether a theoretic problem, which ſeems to lead to no practical uſe, merited the time, or the ceremony

ceremony, of ſo much inveſtigation, is a queſtion that may be readily aſked, yet may be eaſily anſwered. Political diſquiſitions, which have no tendency to promote the ends of juſt Government, by making rulers wiſer, or ſubjects happier, ought doubtleſs to be avoided, at leaſt by wiſe and good men, as ſpeculations, idle and unprofitable. Yet, it would doubtleſs be a circumſtance of great practical utility, if it could be determined with reaſonable certainty, who are the ſubjects of the ſtate, during peace, and who are its aliens, in war; in order that treacherous rebels may be clearly diſtinguiſhed from avowed enemies. The privileges, which belong to ſubjects are extremely diſſimilar to the immunities that appertain to aliens: The treatment, which humanity offers to enemies amid the hoſtile conteſts of nations is by juſtice ſeldom extended to rebels. And experience hath ſufficiently evinced to the moſt inattentive obſerver, that dubiouſneſs of law is the never failing ſource of public diſquiet and of private miſery. If theſe general remarks ſhould not be admitted to be deciſive, the inconveniences that would follow the denial of them, merit ſurely the ſerious attention of wiſe legiſlators. If the American loyaliſts, who remained within the limits of the United States, even after the peace, are ſtill to be regarded as ſubjects, (as we have endeavoured to evince) they muſt neceſſarily be intitled to the peculiar privileges of ſubjects: They may inherit therefore the lands of their anceſtors; they may act as mer-

chants or as factors in the Britiſh plantations: they may as mariners or maſters navigate any Britiſh veſſel; and they may execute any office of profit or truſt, or ſit in either Houſe of Parliament: And when any of theſe rights are denied them, (if we except the privilege of ſitting in Parliament) they may reſort to Weſtminſter Hall for redreſs of ſome of their wrongs; where juſtice is adminiſtered happily, according to the principles of rigid law, without regarding the dictates of political convenience. But, if the American citizens are conſidered as aliens, they can only enjoy the more ſcanty immunities, that to aliens belong: they can by no means claim the invaluable privileges, which the American loyaliſts muſt as ſubjects be thus allowed to poſſeſs, in every dominion of Britain; though within the United States even the loyaliſts muſt behave as citizens by yielding a local ſubmiſſion, while they continue to reſide under the American governments. The confuſion in policy, in law, and in practice, which muſt reſult from the uncommon circumſtance of two diſtinct claſſes of men, reſiding in the ſame country, yet pretending different rights, within a foreign nation, are all apparent, and ought all to be precluded, by meaſures of precaution. To a ſtate of anarchy, thus new and embarraſſing, it is unneceſſary to add, that during the late civil war it has been found ſufficiently difficult to man our fleet, from the ſeamen inſiſting, that, ſince they had been born in America, they could not be preſſed to

ſerve

ſerve in the Britiſh navy. And under the complicated ſyſtem, which by the contradictory operation of new laws becomes daily more complex, the buſineſs of the Cuſtom-houſe requires no further perplexities to be added by the difficulty of knowing aliens from ſubjects.

Men of cautious tempers may be induced by the foregoing reaſons to think, that a legiſlative declaration is neceſſary, to remove doubts, and to prevent difficulties. It would require only a few words in an Act of Parliament to declare, that the citizens of the United States are aliens to the Crown; and to provide, that all perſons, who had been once Britiſh ſubjects and reſided within any of the United States, before, or at, the ratification of peace, ſhall be deemed Britiſh ſubjects, on condition, that ſuch perſons ſhall, before, or on, the day of ſettle in any of the dominions of the Crown and take the oath of allegiance.

To a clauſe, thus ſimple in its creation, yet pregnant in its effect, it is not eaſy to perceive what could be reaſonably objected. Such a clauſe would not impugn the American treaty: The legiſlative declaration would rather confirm its principle and give efficacy to its meaning. Such a clauſe would doubtleſs ſhock the prejudices of ſome perſons, who wiſh to imitate in reſpect to the United States, that notable policy of Cromwell *, whereby he

 tendered

* Cromwell, ſays Hume, had revived the chimerical ſcheme of a total conjunction of government, privileges, intereſts, and

tendered to the cautious Hollanders the privileges of Engliſhmen, both civil and commercial. It is the eſtabliſhed law however, which runs counter to the deſires of ſuch perſons, working as the law does. on the new ſituation, wherein nature and their own efforts had placed the American citizens. Such an act of Parliament, with a wiſdom which belongs to the legiſlature, would nearly extinguiſh the hopes of the viſionary men; who flatter themſelves, that amid the anarchical changes of the times, the United States may deſire to be admitted to a fœderal union with Britain: and the act would greatly allay the jealouſy of thoſe American citizens, who dread the attempts of Britain to regain by intrigue, what ſhe had been unable to effect by force. Wiſe men act from juſt reflection and previous concert: The unexperienced alone apply remedies to diſorders, that have already made a progreſs.

2. When the American citizens are in this manner proved by argument, or declared by law, to be aliens, it may be of eſſential uſe to inquire, what immunities the law of England allows them within the realm. And we ſhall probably find, that

and councils, with the United Provinces. This project appeared ſo wild to the States, that they wondered any man of ſenſe could ever entertain it; and they refuſed to enter into any conferences with regard to ſuch a propoſal. [Hiſt. 8vo. edit. 7th v. p. 236.]

that on this head of our juriſprudence we may juſtly boaſt, among the European nations, of its liberality and its wiſdom. Under this conviction Sir Mathew Hale remarked, (and he who thinks with Hale will ſeldom think wrong) " that the law of England rather contracts than extends the diſabilities of aliens." Every civilized ſyſtem has eſtabliſhed the convenient diſtinction, which the law of England has certainly made, between aliens and ſubjects; by excluding foreigners from the privileges of natives; and this deſtination we ſhall ſee in the reſult, the American States have eſtabliſhed as a fundamental maxim of their free conſtitutions. Yet the law of England, with a ſpirit ſomewhat diſingenuous, allows the alien " to purchaſe lands, but not to his own uſe; ſince the King is thereupon entitled to them:" And the alien can therefore maintain no action in any court of juſtice, with regard to property, which the law does not allow him to hold. But, he is fully allowed to enjoy even lands for the temporary purpoſe of traffick; at the ſame time that he is amply protected in his perſon, in his effects, and in his reputation. That our great charter ſhould have extended, by a ſpecifick clauſe, the ſame ſecurity to foreign merchants, as it preſcribes for the Liverymen of London, or the Citizens of Dublin, is a happy circumſtance, which has gained our commercial ſyſtem the honour of Monteſquieu's praiſe. And it adds not a little to the juſt celebrity

brity of our Engliſh Juſtinian *, that he granted a charter of liberties to merchant ſtrangers.

From ſubſequent laws †, which do not merit leſs of our commendation, the American citizens may demand, as alien traders, "to be uſed within the kingdom, as merchant denizens are in other countries." And the American citizens may inſiſt ‡ "when they come into the realm, that they be honeſtly entreated as to the payment of taxes." Notwithſtanding this apparent liberality merchant-ſtrangers were till lately ſubjected in Great Britain, as they are even now in Holland and France, to thoſe alien duties, which the avidity of every ſtate had eſtabliſhed in favour of ſubjects, before the ſpirit of commerce had ſoftened the manners of mankind. The origin of theſe duties in Britain may be traced up to the unpolluted ſource of the foreign merchants voluntary agreement, when they received their charter of liberties from the legiſlative hand of Edward Iſt. Merchant ſtrangers are ſtill ſubjected, in the port of London, to ſeveral duties of no great burden, which belong to that opulent Corporation; the barbarous origin of which may be conjectured from the barbariſm of their appellations; of *ſcavage* and *package*, of *porterage*

* The Charter of Edward I. is publiſhed by Molloy, in his Treatiſe, naval and commercial, Book ii.

† From the 9 Hen. III. ch. 9. 5 Hen. IV. ch. 7.

‡ By the authority of the 12 Cha. II. ch. 4.

porterage and *water bailage*. By an act of Parliament *, which had the prevention of fraud for its end, the children of aliens are excluded, when under one and twenty years of age, from acting as merchants, or from entering goods at the Cuſtom-houſe: And alien fathers are thereby precluded from ſitting as jurors on the trial of cauſes reſpecting the cuſtoms; though this excluſion may be regarded by ſome, as a greater benefit than a diſadvantage.

Under the protection of theſe favourable laws, without the aid of a commercial treaty, the American merchant may ſecurely carry on his traffic: Under their friendly ſhade the American traveller may inſpect our curioſities, or view our arts, without fear of *the droit d'aubain* of other countries; ſince he may diſpoſe of his effects by teſtament, or the law will preſerve them for his next of kin. Aliens indeed cannot in Britain, more than in any other nation, execute any office of profit or truſt, or accept of any grant from the Crown, or ſit in either Houſe of Parliament †. But, from the foregoing concatenation of circumſtances we may ſurely infer, than an alien *friend* is altogether conſidered as the moſt faithful ſubject, in reſpect to the protection of his perſon, his good-name, and his property; which includes nearly all his rights. And thus much with regard to thoſe privileges and diſabilities,

* 13—14 Ch. II. ch. 11. ſec. 10—11.

† 12—13 Wm. III. ch. 2. ſec. 3. 1 Geo. II. ſtat. 2. ch. 4.

abilities, which the American citizens as aliens, derive from the operation of the law of England, while they traffick within the realm.

3. We are hence led naturally to mention thoſe excluſions, which reſult from ſtatute, more than from our common law, as to the external commerce of American traders. A regard to the national defence, by increaſing the number of ſeamen, induced the Parliament, in the laſt century, to declare *, contrary to the example of other legiſlatures, that no goods ſhall be ſent coaſtways in alien-ſhips; that all veſſels ſhall be deemed *foreign*, except ſuch as ſhall be built, within the King's dominions, or ſuch as ſhall be made prize, under ſpecific conditions. The Parliament were led about the ſame time, by the ſame motives, to prohibit all foreigners from trading with our tranſatlantic ſettlements, and our plantations from trading with foreigners: And in conſequence of this law, the American States were excluded, ſubſequent to the epoch of their independence, from carrying on any commerce with the Britiſh colonies, and the Britiſh colonies were in the ſame manner forbidden to carry on any commerce with them. By the act "for encouraging the Newfoundland fiſhery †;" which enforced

* 12 Cha. II. ch. 18. which was enforced by 7—8 Wm. III. ch. 22.

† 10—11 Wm. III. ch. 25. There is reaſon to ſuſpect, that Mr. Oſwald did not much conſider this law, when he negotiated

enforced rather than enfeebled the ſalutary ſpirit of that law, no alien or ſtranger "can take bait or uſe any ſort of trade, or fiſhing, in that iſland, or in any of the Bays or fiſhing places around it." Owing to the prohibition of ſome of the before-mentioned laws, the American citizens cannot reſide as merchants or as factors, or execute any office of truſt, within the Britiſh plantations. Yet, as foreign Proteſtants they may regain, by a ſeven years uninterrupted reſidence within our remaining colonies, the colonial rights, which belong to Britiſh ſubjects. Without that reſidence, or an act of naturalization, our traders can employ none of the American citizens as maſters or mariners, in the ſailing of their ſhips. And thus much with regard to the queſtions,—whether the American citizens are conſidered as aliens by our laws? what immunities are they, as aliens, entitled to within the kingdom? what regulations are they governed by in their external traffick?

negotiated the American Peace. By the treaty the American citizens were allowed to take any ſort of fiſh at all the fiſhing places of Newfoundland. But, whether the right to catch fiſh includes the right to catch bait is a doubt, which the Dutch juriſts may anſwer. A French Stateſmen, when he wanted to quarrel, would here find a ſubject for quarrel. And it would be an act worthy of the prudence of Parliament to repeal that ſtatute, as far as it tends to prevent the American States from enjoying the full right of fiſhing, from a law and a treaty ſtanding oppoſed to each other; in order to evince to the world with what good faith this nation executes the letter and the meaning of every national agreement.

§ 2. The American Aſſociations having in this manner acquired independence; and the American citizens having thus become aliens to the Crown; it was the laws rather than the government of Great Britain, which, from the date of the peace, attentively viewed both in the exalted ſituations, that both had eſtabliſhed for themſelves. The Britiſh Government, enjoying happily no diſpenſing power, could not prevent the operation of the various Britiſh laws, which had impoſed diſabilities and enforced reſtrictions. And by accurate enquiry we ſhall probably find, that the Britiſh government has been hitherto only anxious to remove the various obſtructions, which reſentment and retaliation had thrown into the channel of our American trade.

Howmuch-ſoever the nation may have felt "how ſharper than a Serpent's tooth it is to have thankleſs children,"—it was ſurely wiſe in the Britiſh Government to forget all the paſt, when the American commerce was to be regained, if the American commerce in its greateſt poſſible extent be indeed a deſirable good. Animated by this worthy ſpirit the Legiſlature ſoon repealed two acts of Parliament*, which the hoſtile aſſociations of late times had required; becauſe it was deemed "highly expedient, that the intercourſe, between Great Britain and the American States, ſhould be immediately opened." The ſame ſenſe of expediency

* By 23 Geo. III. ch. 26.

pediency gave rise to a second act of Parliament *, which exempted the American vessels from the necessity of producing any certificate or manifest at the Custom-house, and only required such bonds as are usually taken for the faithful exportation of goods intitled to drawbacks or bounties: The same act empowered the King in Council, during a short term, to make temporary regulations for the American trade. Extraordinary as this power was, the law which conferred it may be regarded as one of the wisest in the statute book; because, by avoiding the dangers of "over credulous haste," it furnished the intelligent with opportunites of reviewing a subject, complicated at once, by a consideration of contradictory laws, and by a regard to domestic policy, as well as to foreign interests.

In pursuance of a power, thus uncommon and salutary, the American commerce was soon turned into a more favourable channel than that wherein it had formerly flowed, when the United States constituted British Colonies. We shall see in the most striking light this interesting truth, which is obscure only to those who shut their eyes, by taking two distinct views of our transatlantic trade: 1st, of the exports from Great Britain to the United States: and 2dly, of the imports from the United States to Britain; as both have been regulated by the late proclamations.

* 23. Geo. III. ch. 39.

1. By the repeal of the prohibitory acts the Britiſh traders were left free to renew their former connections, or to engage in new adventures: And the proclamation of the 14th of May, 1783, endeavoured, with the beſt intentions, though not with the beſt ſucceſs, to quicken mutual deſire, by communicating additional motives: By it, the ſame bounties, drawbacks, and exemptions were allowed on merchandizes, which ſhould be exported from Great Britain to the United States as are allowed on goods to any Britiſh Colony. The purpoſe of this regulation was ſalutary, but the means were perhaps miſtaken.

The high duties on importation are the genuine parents of drawbacks. It was ſoon perceived, at leaſt by the traders who paid the cuſtom, that a foreign commodity, when re-exported to a ſecond market, muſt be diſpoſed of dearer in proportion to the advance of every charge upon it, or not be ſold at all. And hence, a regard to the profit of freights, as much as to the augmentation of ſailors, dictated the policy of allowing the merchant to draw back almoſt the whole of the duty, which he had advanced on the import. Under the prevalence of this ſalutary ſyſtem, the coloniſts purchaſed every European manufacture and every Eaſt India luxury even cheaper than theſe commodities could be bought in Britain, But to confer this gratification on our planters, required a defalcation from the public revenue of £. 100,000,

a year

a year, at the peace of 1763 *. And, during the preſſures of that moment, it was thought prudent † "to allow no part of the old ſubſidy to be drawn back on the manufactures of Europe or Aſia, which ſhould in future be ſent to the Colonies, except on wines, white callicoes, and muſlins." For it was known, or at leaſt ſuppoſed, that foreign traders could enter into no competition with Britiſh merchants in the markets of the Colonies: And the ſtopping of ſo much of the drawbacks, it was hoped, would impoſe a tax on the planters to the amount of the ſaving, which ſhould be thereby made in the Revenue. But the drawback was continued by the law on the exports to foreign markets; becauſe, in their fairs, Britiſh traders might expect competitors. If this account ſhould be allowed to be accurate, the regulation of the 14th of May, in reſpect to drawbacks, cannot eaſily be maintained to be right. And both prudence, and juſtice, require, that there ſhould be allowed the ſame drawbacks, bounties, and exemptions on the exports to the United States, as are allowed on the exports to other foreign countries, ſince ſuch a regulation would certainly be moſt beneficial to them. If however we determine,

* The value of drawbacks upon each article of foreign goods, which were re-exported by certificate, from England to the continental colonies, in the year ending with 1ſt of January, 1762, amounted to no leſs than £.99,051 7s 1¾d.

† By 4 Geo. III. ch. 15.

mine, from an attention to practical effects, more than from the result of theoretick reasonings, we may infer, that the disadvantage of retaining five in the hundred of the value of foreign manufactures has been mean time unfelt, till it was finally removed.

2. From the foregoing discussions, as to the export of our manufactures, we proceed secondly, to recount the various motives, which have been in the same manner given to the American planters, in order to induce them to send their surplus produce to Britain. By the proclamation of the 14th of May, the *unmanufactured* products of the United States were allowed to be imported, in British, or American vessels, by any British subject, or American citizen; paying only the same duties, which our remaining Colonists pay, and that too without the accustomed certificates: And the same proclamation conferred *the full benefit of this order* on such American ships, as had arrived since the 20th of January, 1783. By being thus placed on the favourable footing of British colonists, the American citizens were exempted not only from the payment of those alien duties, which all other aliens paid, but even from those alien duties, that were payable on the merchandize of aliens, when imported in *British* shipping. The admission of American oil, by the same proclamation, however advantageous to the New-England fisheries and detrimental to our own, does not merit much censure; because a regard to this excellen

lent nurſery of Britiſh ſeamen has, by a recent order of Council, rectified a miſtaken policy, which aroſe either from overſight, or from a deſire to conciliate.

Liberality of conduct is always right: But, in mercantile regulations it is the more laudable, becauſe we ſee, in them, the dictates of intereſt ſo often preferred to the ſuggeſtions of policy. It is to be regretted, that the American citizens received unkindly the exemption from taxes, which all other aliens formerly paid. Such a reception of ſuch a boon might have excited the jealouſy of neighbouring nations, whoſe enmity or regard is of greater importance to us. There are wiſe men indeed, who think, that the abolition of the alien * duties would promote our commercial intereſts: There are intelligent perſons, who ſuggeſt, that the impoſing of the alien duties on *alien ſhips* rather than on *alien merchandize* would augment our naval ſtrength. The ſentiments of both may be conſidered as juſt, in proportion as we are directed in our deſires to the accumulation of riches, or to the acquiſition of power. We boaſt in vain of our religion and liberty, of our laws and our wealth, if our ſhips are driven from our element as iſlanders, and we are obliged to make conceſſions to our foes, who have lately fought us on the ocean with inferior fleets. When the legiſlators of a naval nation, are about to give encouragement, or protection, to the induſtry

* The alien duties have been lately aboliſhed, by 24 Geo. III. ch. 16.

induſtry of their people, they ought to fix their eyes ſteadily on the ſeamark, which directs the national efforts to the invigoration of maritime ſtrength, rather than to the encreaſe of private opulence. And in theſe conſiderations of nautical force and public ſafety, we diſcover the fundamental principle of the acts of navigation; which, though they were eſtabliſhed in oppoſition to domeſtic and foreign clamours, have produced ſo great an augmentation of our native ſhipping and ſailors; and which ought therefore to be ſacrificed to no projects of private gain, or deſires of particular gratification. The Dutch have indeed purſued a different policy: But, the Dutch have thereby fallen to a ſtate of weakneſs, which is now the object of pity, or of contempt. It was owing to the want of ſailors, and not to the fault of their officers, that the ten ſhips of the line, which had been ſtipulated during their late imprudent quarrel with Britain, to join the French fleet, never ſailed from port.

An attention to theſe conſiderations does not lead us to approve altogether of the meaſure of allowing the unmanufactured products of the American States to be imported in *American veſſels*, without paying the alien duty, while other foreign nations continue to pay it. Much leſs ought we to approve of the policy of the ſtatute *, which impoſed

* 2 Geo. II. chap. 34. ſec. 20.

poſed the *alien* duty on *alien* goods when imported, in *Britiſh* ſhips? Both meaſures were adverſe to the principle of the acts of navigation, becauſe, however advantageous they may have been to the American citizens, both of them had a tendency to diminiſh the number of the Britiſh ſhipping and ſailors. On the other hand the ſpirit of thoſe laws requires, that the regulation ought to be reverſed, by impoſing the alien duty on *Britiſh* property when imported in *alien* ſhips. And urged by ſimilar conſiderations of ſelf-defence, Sir Joſiah Child propoſed upwards of a century ago, what muſt appear very extravagant in the preſent times,--" That a law be made to impoſe a cuſtom of at leaſt fifty per cent. on all Eaſtland commodities, timber, boards, pipe ſtaves, and ſalt, imported into England upon any ſhips but *Engliſh* built, or at leaſt ſuch as are ſailed with an *Engliſh* maſter, and three-fourths *Engliſh* mariners."

The foregoing reaſonings and that authority were either forgotten, or neglected, when the Privy Council iſſued the proclamation of the 6th of June, 1783; or perhaps that body was carried away by its anxieties to conciliate American regard, and to regain a long loſt trade, which for years had been loudly repreſented, as the only commerce worthy of our care. It is not ſo eaſy to diſcover the neceſſity, or the uſe of that part of the proclamation, which expreſsly permits the importation of naval ſtores. By the regulation of the 14th of May, they ſeem to have been allowed

a free importation, under the general terms *unmanufactured products*:—For, pitch, tar, and turpentine, maſts, yards, and bowſprits, and even indigo, which is equally enumerated, cannot be brought to the place of exportation in any lower ſtate of manufacture, than that wherein they have always been ſold. Enumerations, which follow general words, always create doubts where none exiſted before; while comprehenſive deſcriptions, that follow particular enumerations, only enlarge the rule, without creating a difficulty. The cuſtom-houſe officers have already had occaſion to aſk, if pot-aſh be an unmanufactured product? It is to be regretted, that our lamented lexicographer did not find the word *unmanufactured* in any of the Engliſh claſſics, ſince its various uſe might have eſtabliſhed its different meaning. The ſtatute of the 8th George I. has applied to timber, the epithets *wrought* or *unwrought*, whilſt the ſame law, wiſely enumerated the various goods, that, in mercantile language, are denominated *lumber*. In vain ſhall we ſeek for words ſufficiently accurate to convey the idea of allowing the importation of American products, as they come from the ſoil, almoſt in their natural ſtate, and yet of excluding ſuch American merchandize, as have in the leaſt undergone the diſcipline of manufacture. It would therefore be prudent, when the Parliament is about to eſtabliſh a ſyſtem for the American trade, to enumerate all thoſe American productions, which good policy may allow to be imported in future;

future; and which may be found in the Inspector General's books, yet would form no long catalogue. That measure may be regarded as salutary, which has a tendency to prevent disputes on the one side and difficulties on the other.

It may be moreover remarked, as to the proclamation of the 6th of June, that this nation has paid on the various articles enumerated in it, when imported from the colonies, upwards of a million and a half, since the bounty was first given, in the reign of Anne: On naval stores

from 1706 to 1729	—	£. 430,178;
from 1729 to 1774	—	1,028,584;
and on indigo	— —	145,022;
		£. 1,583,784.

It is one of the many benefits, which the wisdom of our councils may derive from the independence of the United States, that the bounties, which had thus drawn so vast a sum from the public revenue have now happily ceased *. An attention to our manufactures of cloth has exempted indeed all indigo from the payment of taxes on the importation: But, there are various taxes, which may be distinctly seen in the book of rates, collected on

 [illegible],

* Those bounties expired on the [illegible]th of June, [illegible] — But, had the United States continued British Colonies [illegible] desire to gratify them would have continued [illegible] bounties [illegible] as indeed the exemption from duties may be [illegible] regarded as a bounty of an inferior kind, which operates against the importers of European commodities of the same nature.

pitch, tar, and turpentine, maſts, yards, and bowſprits, when introduced from any European nation, together with the alien duties, when theſe cumbrous commodities are fetched in foreign ſhips*. It is apparent then, that all theſe taxes became payable, by operation of law, on the import of American naval ſtores, from the moment wherein the United States were admitted to be independent: It is equally plain, that it was the proclamations before mentioned, which ſuſpended the energy of the law and the collection of the duties. And Great Britain thereby conferred a benefit on the American States, by with-holding ſomething from her revenue, and by riſquing, through a deſire to gratify them, the reſentment of her more powerful neighbours. Great Britain at the ſame time conferred another favour on the United States of no ſmall importance to a country, which is every where covered with timber. While the bounties are withdrawn, by the admiſſion of independence, the proclamation exempted American wood from thoſe duties, which are payable on the import of wood from the rivers of Germany and the ſhores of the Baltic. It was probably known, that the importers of European lumber, for the uſe of the builder, had underſold the American, even when the bounties were paid And it was perhaps deemed prudent to preſerve, by exempting American lumber from

* See the volume compiled by Meſſrs. Sims and Frewin, under the directions of the Commiſſioners of the Cuſtoms, and publiſhed in 1732.

from duties, a ſlight competition in the domeſtic market, between Europe and America, in the ſale of their wooden products.

But, as indigo has been exempted from taxes, by a regard to our dyers, the argument appears much ſtronger for freeing from cuſtoms every ſpecies of naval ſtores, whether of the product of Europe, or America, from a reſpect, which is much more due to our ſhipwrights and coopers: The dyers and workers in wool may augment our opulence; but the carpenters and coopers contribute to our ſafety. And thus we perceive, that the Britiſh Government has looked with no inimical eye towards America, ſince the happy moment, wherein the peace eſtabliſhed irrevocably the independence of the United States.

If this truth required any confirmation we ſhould find ſufficient proofs in the orders of council, whereby the introduction of American tobacco was regulated. By the proclamation of the 6th of June that moſt ancient branch of our colony commerce was re-eſtabliſhed on the ſame ground, whereon it had flouriſhed for ages before the revolt: And by it the importation of tobacco was allowed, either in Britiſh or American ſhips, on paying 5 *per cent.* of the value, and on giving bond for the payment of all other duties at a future day. But, the war had produced a variety of new regulations, with a ſucceſſion of additional taxes. And when the approach of peace opened a proſpect of the renewment of traffick, it ſoon became apparent,

that

that to carry on the commerce of tobacco would require a greater capital than any traders chooſe to depoſit at the Cuſtom-houſe, in hopes of conſequential gains. It was owing to theſe reaſons probably that the Privy Council iſſued a ſecond proclamation on the 5th of November 1783, allowing American tobacco to be imported into London, Briſtol, and Liverpool, into Cowes, Whitehaven, and Greenock*, on giving bond, as well for the Old Subſidy of 5 *per cent.* before mentioned, as for other duties; and ſecuring the commodity under the King's locks, till the importer ſhould want it for domeſtic conſumption or foreign ſupply.

Theſe proclamations ſeem thus to have eſtabliſhed the ſame regulation, which the tobacco Colonies had ardently prayed for in 1732, and which Walpole certainly intended to grant, by his famous exciſe ſcheme, till he was ſtunned by clamour and overpowered by violence. The planters had often ſeen and ſometimes felt, that in proportion as the Britiſh merchants advanced their money for taxes, the charges on the merchandize were raiſed, till by enhancing the expences, the ultimate ſale of the tobacco did not repay the original labour. And the Aſſemblies ſolicited the Parliament for the privilege of placing the commodity under the King's locks, on giving bond for the payment of the duties at a ſubſequent day: But, their ſolicitations were defeated by the intereſted oppoſition of the

* Lancaſter has been ſince added to the former ſix.

the tobacco factors, more than by the unwillingneſs of the Legiſlature*. In this manner has there been lately eſtabliſhed a beneficial regulation of tobacco, which had been in this manner denied by our factions to coloniſts, yet has been ſpontaneouſly granted by our good ſenſe to foreigners, who had ſurely no claim on our kindneſs. While every encouragement was thus given to the importation of American tobacco we ſtrengthened the laws, for preventing the growth of tobacco in Britain, which it had been found ſo difficult to enforce

* The Aſſembly of Virginia ſent Sir John Randolph to England, in 1732, to ſolicit a ſimilar regulation, which was however then exploded as an exciſe, ſince the officer was empowered to inſpect the tobacco in the warehouſe. In the ſubſequent year the ſame Aſſembly tranſmitted an addreſs to the King, thanking his Majeſty for the countenance he had given the Colony on that occaſion;—"And though unfortunate for them (ſaid they) that their intereſts and the intereſts of thoſe, whoſe oppoſition prevailed, were irreconcileable, they had abundant reaſon to admire his Majeſty's juſtice and conſtancy, when no clamour, how univerſal ſoever, could change his good purpoſes, or divert his deteſtation of fraud, however diſguiſed and ſupported by names and ſounds."—— The Miniſters of that day thought it prudent to ſuppreſs the latter part of the Addreſs, which reflected on Sir John Barnard and his coadjutors, who had diſappointed, by their oppoſition, the prayer of the Aſſembly. Yet, the Virginia Aſſembly were lately the firſt to declare commercial hoſtility againſt Great Britain, on account of the Weſt-India regulations; though the Virginians could not know indeed, in December, of the order of the 5th of November preceding, which did not arrive in America, till the 6th of February 1784.

enforce during the laſt century; as our farmers thought it for their intereſt to rear tobacco on their own fields. And by this means the American planters poſſeſs a double monopoly of this great article of traffic; the Britiſh landholder cannot raiſe it on Britiſh ground; the Britiſh conſumer cannot import it from Portugal or Spain, ſince the duties payable on Spaniſh and Portugueze tobacco amount nearly to a prohibition.

In ſuperaddition to the beforementioned meaſures, which have thus removed every obſtruction from the flow of our American trade, may be ſtated the proclamation of the 5th of September 1783, which adminiſtered no ſmall facility to practical buſineſs. This order directed, that all thoſe bonds, which our commercial laws had required for the prevention of fraud, might be cancelled by producing certificates of the performance from any Naval Officer, or Magiſtrate, of the United States. And in this liberal manner, and by the above recited proclamation, has the trade between Great Britain and the United States been opened and encouraged on the part of this nation. In the wide circle of commerce, complicated as it is by the taxes and reſtrictions, which avarice and jealouſy have impoſed, there is not to be found a traffic, ſo juſt in its policy, and ſo unreſtrained in its vent, as the traffic, which now runs free and full in its courſe between this kingdom and the American States. The practical reſult has amply juſtified the previous policy, which had for its

means,

means, protection and freedom. An unexampled export of our manufactures has been made during the laſt year to the United States; a correſpondent conſignment hath followed from them to Britain, of almoſt all the ſurplus products of the Southern government, which had not been ſold by the growers: And hence the American factors, who had ſettled in Holland and France, during the war, have lately been obliged to remove into Britain, in order to follow the commerce, which had given them employment and wealth. Recent experience hath ſhewn them, what they might have inferred from their former knowledge, that London muſt neceſſarily be the American mart. It is an additional proof of the validity of the foregoing reaſonings, that none of thoſe, who have been ſtudious to detect faults and forward to expoſe them, have objected any thing to the beforementioned regulations, except one writer indeed, who inſiſts, *That the authors of them have diſplayed unuſual timidity and caution.*

But, *timidity* and *caution*, which the wiſe will not think blameable qualities, few have found either in the credits lately given to the American citizens, or in the regulations of the commerce between the Britiſh Weſt-Indies and the American States. This laſt meaſure appears to have alone raiſed any clamour. The Weſt-India trade was regulated by the proclamation, dated the 2d of July, 1783; which is ſaid to be "founded on groſs miſinformation;" which is cenſured by the American letter

writer, " As a ſyſtem derogatory to the honour, degrading to the ſpirit, and injurious to the intereſts of a great people." Facts however ought always to be fairly ſtated before faults ſhould ever be imputed. Let us in this ſpirit examine the Proclamation, which has thus given riſe to controverſy, and which has at once incited the complaints of the Weſt-India planter and the reſentment of the American citizen. It directs 1ſt, That pitch, tar, turpentine, hemp and flax, yards, bowſprits, ſtaves, heading boards, timber, ſhingles, and every other ſpecies of timber, and alſo horſes, neat cattle, ſheep, hogs, poultry, and all other kinds of live ſtock, and live proviſions, peaſe, beans, potatoes, wheat, flour, bread, biſcuit, rice, oats, barley and all other grain, being the product of the United States, may be imported into any of the Weſt-India Iſlands, by *Britiſh ſubjects*, in *Britiſh ſhips:* It allows, 2dly, That rum, ſugar, molaſſes, coffee, cocoa-nuts, ginger, and pimento, may, in the *ſame manner* and by the *ſame perſons*, be ſent from the Britiſh Weſt-Indies to the United States, upon payment of the ſame duties and liable to the ſame regulations, as if the ſame articles were cleared at the Cuſtom-houſe for any Britiſh Colony. Of a ſubject ſo intereſting, becauſe it involves in its diſcuſſion the ſafety of the empire, let us take two diſtinct views: 1ſt. As the Proclamation affects the American States; and 2dly, As it concerns the Britiſh Weſt-Indies.

1. The

1. The connection between the various Colonies of the American Empire of Britain arose assuredly from their being territories of the same State. The moment the Independence of the United States was recognized, they became thereby foreign countries with regard to the remaining Plantations of Britain: And the citizens of the one and the planters of the other, who had once been fellow-subjects of the same community, became in the same moment aliens with respect to each other. The acts of Parliament, which prohibited all future commerce, except in British ships, between regions that had once been bound in the same compact, only enforced the original system, which the law of nations had always enjoyed *. It requires only a short recapitulation to trace up the rise of that system to its true source. The policy of Spain, says the great Bacon, was to keep the trade of the Indies under such lock and key, as both confederates, yea, and subjects, were excluded of commerce unto those countries; such a vigilant dragon is there that keepeth the golden fleece. Portugal, who pursued discovery with

 equal

* The West-India Committee have surmised, rather than insisted, that by the Freeport Act of the present reign the people of Jamaica may import all the merchandizes of the United States, which, the Committee, with a marvellous perversion of law and common sense, declared to be *foreign Colonies*: But, the United States have been admitted by the world to be *sovereign*, and consequently cannot be the Colonies of any other sovereign power, which would suppose that they are still subordinate.

equal ſteps, catched the jealous ſpirit of Spain.—France and England, who followed both at the diſtance of a century, adopted the flattering, becauſe excluſive example of both. And thus, *it became a fundamental law of Europe*, ſays Monteſquieu, *that all traffic with a foreign Colony ſhall be regarded as a mere monopoly:* Hence, continues that celebrated juriſt, it is likewiſe acknowledged, *that a commerce between the Mother Countries does not include a permiſſion to trade with their Colonies.* When Great Britain recognized the ſovereignty of the United States and declared in the face of the world, *that we are at peace with each other*, this declaration gave the United States no right to trade to her Plantations, or even to fiſh on her coaſts.

On the law of nations, thus eſtabliſhed and known, the French ſecurely relied, when they entered into treaty with the United States, in February, 1778. But, the Dutch, ſuſpicious from ſenſe of weakneſs, or guided by characteriſtic caution, inſerted an expreſs ſtipulation, in their Treaty of October, 1782, "That the United States ſhall leave the States General the peaceable enjoyment of their rights, in the countries, iſlands, and ſeas, in the Eaſt and Weſt-Indies, without moleſtation." Great Britain preferred the confident policy of France to the ſcrupulous attention of Holland; as it did not probably occur to the wiſeſt of our ſtateſmen, that when the American States ſhould be admitted into the community of nations, they would, by their conduct, much more than by their words,

words, refuſe obedience to the law of all civilized nations. Yet, confidence in one's own title has ſeldom been conſtrued into an admiſſion of its invalidity. And we may therefore conclude, that Great Britain enjoyed from the date of the peace as much right as Denmark or France, Portugal or Spain, to regulate her own plantations; ſince there is no poſitive proviſion in the treaty to repel the general inferences of law.

Nevertheleſs the proclamation of the 2d of July, 1783, which permitted Britiſh ſubjects to tranſport in Britiſh ſhips the Weſt-India commodities to the United States and to carry their moſt uſeful products in return; which thus conferred many benefits on the United States, though not every benefit; has been declared by ſome of theſe States "to be inconſiſtent with the rights of free trade." The American governments then, not the American mobs, claim *the right of free trade* with the tranſatlantic ſettlements of Spain, Portugal and France, as much as with the plantations of Britain. But, let us enquire, whence do they derive this new pretenſion? From the law of Nature? No. Every independent Community has a right indeed, in virtue of its natural liberty, to trade with thoſe *who ſhall be willing to trade with it*; and to moleſt it in the exerciſe of this right is an injury. But though every one has a right *to traffic with thoſe who are willing*; yet, ſays Vattel, every Sovereign State may decline a commerce which is dangerous, or even diſadvantageous; and has conſequently

conſequently full power to determine for itſelf what is uſeful, or unſalutary: It may accept therefore, or refuſe, any commercial overtures from foreigners, without giving them a pretence to accuſe it of injuſtice, or demand a reaſon for ſuch refuſal, much leſs to make uſe of compulſion or threats. Do the American governments then claim the right of free trade from the law of nations? They certainly cannot. Colonies are the offspring of Society, during that period of refinement, which the prevalence of the commercial ſpirit ſuppoſes. And by the conſent of all the European nations, it was early eſtabliſhed, (as we have already ſeen) that the ſovereignty as well as the traffick of every plantation ſhould excluſively belong to the State which had formed it. The law of nations therefore, which is only the original conſent and continual practice of nations, has prohibited the intercourſe of one foreign country with the colonies of all other foreign countries. And a free trade with an American Colony of conſequence never exiſted. Thus, while the American governments claim the rights of a free trade with the Britiſh plantations, they virtually avow their purpoſe to diſregard the law of Nature as well as of nations, which, by treaty or by implication, has regulated univerſal trade, and with it the conventions of all public bodies.

Whatever extravagance the American populace may commit, contrary to their genuine intereſts, the American politicians would do well to inquire,

inquire, before they violate public decorum, whether they have been wronged, by the commercial policy, which Britain has continued rather than adopted, in reſpect to her own plantations. The moſt ignorant of the American Lawyers will inſtruct their countrymen, that they may feel an inconvenience without ſuffering an injury; while the world ſhall conſider every wrong to be an unjuſt deprivation of ſome previous right. But, what American right was infringed when Great Britain denied to the American citizens a direct trade, in their own ſhips, to the Britiſh colonies? While Great Britain allowed her laws to operate on the American States, as foreign countries, ſhe only did that which other European powers continue to do. Portugal and Spain have excluded from their colonies the American traders with a jealouſy peculiar to both: France indeed has granted to her American allies a petty participation in her Weſt India commerce, which, as far as ſuited her convenience, they always enjoyed. From Britain the United States were certainly entitled to juſtice, but not ſurely to favour: Yet it was no inconſiderable benefit, which Britain conferred on them, and which no European nation enjoys, when ſhe ſuſpended the rigorous operation of thoſe laws, that prevented even Britiſh merchants from ſending in alien ſhips the products of the United States directly to the Britiſh Weſt Indies, or the produce of the Weſt Indies immediately to the United States. When the Spaniards lately impriſoned the American traders

at

at the Havannah, becauſe they dreaded their intrigues; when the French, in order to effectuate their policy, at the ſame time confined the American navigators, ſailing for Hiſpaniola in queſt of markets, to Cape Nichola-Mole; the American citizens probably ſighed in ſecret, but they did not avow reſentment, or threaten retaliation *. Thus, an inconvenience may be felt, though no wrong may be done. When good ſenſe ſhall have triumphed over vulgar prejudice we may reaſonably hope, that the American Philoſophers will teach their followers, that having manfully gained the wiſhed-for bleſſings of a free and equal ſtation, among the powers of the earth, they ought to ſuffer patiently the embarraſſments, which every where reſult from greatneſs. A little oppoſition, or even a ſtill

* We learn from Hiſpaniola, ſays the New-York Journal of the 1ſt of July, 1784, "That all American veſſels were obliged to leave that iſland before the 10th of April laſt. All veſſels found in any of the ports of Hiſpaniola (the Mole excepted) are ſubject to confiſcation, if they have on board more ſugar and coffee, than is thought neceſſary for the voyage. In conſequence of which many veſſels have left Hiſpaniola, their cargoes by no means completed. And that at the Mole *Rum* and *Molaſſes* (the only articles they were allowed to carry away) had riſen to a price higher than ever was known in that iſland." This regulation was altered by a new edict in December 1784. But, it is impoſſible to follow the ſucceſſive regulations of the French government for the Weſt-India iſlands, becauſe they vary every month. The late letters from the Grenades, however, aſſure us, that the French had ſeized four thouſand barrels of American flour at Martinico, in order to favour their own importation from Old France.

a ſtill leſs degree of adverſity, will inſtruct the American governments, that they ought to pay ſome deference to the municipal rules of other ſovereign powers; becauſe they flatter their own vanity of independence, when they conform to the regulations, which other independent States may think fit to eſtabliſh.

But, whatever meaſure the American Congreſs and Aſſemblies may chooſe to adopt, the intereſt of the American planters, who form by much the moſt numerous body, will furniſh Great-Britain with the beſt ſecurity for the good behaviour of the whole. To ſend traders to purchaſe the lumber that they clear from their lands, and to carry away the corn and cattle, which they raiſe on their fields, can ſurely be thought no great injury, far leſs inſult, to any community: Nor, can it be deemed any great diſadvantage to the American planters to ſend them abundant ſupplies of rum, ſugar, molaſſes, and other neceſſary products of the Weſt-India iſlands. The American people, "who have ſeldom wandered widely from their intereſt," are fully aware, that it is demand and ſupply, which regulate the prices in every market. They already perceive, that their chief advantage conſiſts, in having in their ports many ſellers of the goods which they may want to buy, and many buyers of what they may wiſh to ſell; that to exclude the traders of any one country, or deſcription, would amount to a permiſſion to the favoured traders to

raiſe their prices againſt every buyer and to ſink them againſt every ſeller. The planters can therefore derive no benefit from the excluſion of any one claſs of traders (were the propoſal even to come from the merchants of Boſton, New-York, or Philadelphia, of Baltimore, or Charles-Town,) which would form a monopoly in favour of the few againſt the many, by ſacrificing the agricultural intereſt to the mercantile. Though the American merchants might gain, by ſuch excluſive projects, the American planters are only intereſted, in having a competition, in their markets, between buyers and ſellers of various countries, and therefore of various views.

From the foregoing reaſonings we may ſurely infer, that the Aſſemblies of Virginia and Maryland acted contrary to the genuine intereſts of their conſtituents, when the one reſolved, That no *Britiſh* ſhip ſhould import the produce of the Weſt-Indies, and the other impoſed on every Britiſh veſſel a tax of three ſhillings ſterling the ton: When the other Aſſemblies concurred generally with both, in the reſolution of arming the Congreſs with power over commerce, for the purpoſe of retaliation, or redreſs, they equally ſacrificed the real advantage of their country to their own reſentments. But, revenge is merely a momentary paſſion, while avarice is the moſt obſtinate affection of the mind. Cool calculation will ere long diſcover, that were the Weſt India traffic wholly cut off, the planters would certainly loſe a market for their proviſions and lumber of the

the annual value of half a million; the American commonwealth would moreover be deprived of a yearly balance of £. 350,000 ; which is payable in bullion on that branch of buſineſs, at a time too that ſpecie does not abound among them. And ſtill more, by that determination the Aſſemblies would at once raiſe Canada and Nova-Scotia from the ground, and execute that meaſure, which wiſe men wiſh for, as the ſyſtem that Great Britain ought ſpontaneouſly to adopt.

2. From inveſtigations with reſpect to the manner wherein the American citizens are intereſted, either individually, or collectively, by the late regulations of the American trade, we are led, ſecondly, to diſcuſs the various ways, in which the Weſt-Indies may be affected by the proclamation of the 2d of July, 1783. Like the American citizens the Weſt-India planters complain, with ſtill leſs propriety, not ſo much, that the proclamation did not give them many advantages, as that it did not give them every advantage. The laws forbade them to carry on any commerce in the ſhips of the United States ; yet, the Weſt Indians clamour, becauſe they were only allowed to traffick in *Britiſh* ſhips : They are permitted to ſend their rum, ſugar, molaſſes, and other products to the American markets, and to bring the moſt material of the American produce in return ; yet, are they diſſatisfied, becauſe they are not moreover allowed to employ *American* ſhips ; without conſidering how much the permiſſion would enervate the naval ſtrength

of Britain, whereon they themſelves rely for defence. It is not uncommon to ſee men carried away by their preſent paſſion to their ultimate ruin. When the Weſt-Indians beheld, with too favourable eyes the revolt of the Coloniſts, they might have foreſeen, that forcible oppoſition to the laws, and even to the legiſlature, would probably end in abſolute independence:—When the Weſt-Indians, by their clamours, confirmed the purpoſe of the revolted colonies, little did they perceive, that ſucceſs would convert fellow-ſubjects into enemies, during war, and into aliens, in peace.

Yet, the Committee of Weſt-India planters and merchants now repreſent: "That the permiſſion of American ſhips, as heretofore, freely to bring the produce of the American States to the Sugar Iſlands, and to take back the produce of our iſlands in return, is *obviouſly eſſential.*" With deference to ſuch reſpectable authority, it may yet be aſſerted, that the Weſt-India planters and merchants, did not always argue thus. Many years have not paſſed away ſince their predeceſſors caſt the Continental Coloniſts the gauntlet of defiance. When the Weſt-India planters applied to Parliament, in 1731, for protection againſt the ſmugglers of the Northern colonies, they as confidently ſtated *, "That there are perſons ſtill living, who very well

* Anderſ. Chron. Com. 2 v. p. 336.

well remember, when there were very great quantities of proviſions and other requiſites for planting, ſent from *Old* England to our ſugar colonies, becauſe at that time our continent colonies were not fully able to ſupply them." Nevertheleſs we are now told by the ſame authority, that the plantations of the South and North *were ſettled with deſign to ſatisfy each others wants.* Thus, we behold the Weſt Indians of 1731, ſtand oppoſed to the Weſt-Indians of 1783, with the contradictorineſs of men, who ſacrifice oftener at the ſhrine of Intereſt than in the temple of Conſiſtency.

From hiſtory we may learn indeed, that Old England hath ſucceſſively furniſhed all her tranſatlantic ſettlements with every neceſſary for planting. When the Parliament prohibited *, in 1663, the direct importation into the Britiſh colonies of *foreign* commodities, being the growth of Europe, the law expreſsly provided, that horſes and *victual* of the product of Scotland and Ireland might be tranſported thence to the plantations. The term *victual* carries with it ſo large a meaning in our language, as well as in our laws, that it includes "all ſtores for the ſupport of life." And from that early epoch of our colonization, horſes and victual have been conſtantly ſent from Ireland and Scotland to the Britiſh Weſt Indies.—From a querulous pamphlet, which, when publiſhed, in 1689,

* By 15 Cha. II. chap. 7.

1689, was entitled, *The Groans of the Plantations*, we may learn not only the cauſe * of their complaints, but alſo the courſe of their ſupplies, at the æra of the Revolution. Amidſt all their groans, the Weſt Indians then declared, " we " have our horſes from England; the bread we " eat, is of Engliſh flour; we take great quanti- " ties of Engliſh beer, and of Engliſh cheeſe and " butter: we ſit by the light of Engliſh candles: " moreover we take thouſands of barrels of Iriſh " beef." More moderate in their deſires, becauſe they were leſs opulent than the Weſt-Indians of 1784, the Weſt Indians of 1689, " were well " contented to be confined to England only, for " thoſe things that England doth produce."

The

* The Weſt-Indians had then two cauſes of complaint; the tax upon ſugar, which was, for the firſt time, impoſed by the 1ſt Ja. II. ch. 4. and the acts of navigation, which had always confined their commerce to England: Yet, the Weſt-Indians have proſpered and groaned ever ſince. Their proſperity we may, indeed, infer from the ſubjoined detail of the value of their imports and exports, to and from England at the two extremities of a period of eighty years:

	Value of imports, from the W. Indies.	Value of exports, to the W. Indies.
Ten years average, ending with 1710,	£.629,128	£. 313,039.
Do ending with 1780,	2,943,955	1,279,572.

What a marvellous progreſs in growth does this ſtatement exhibit: Yet, what continual clamours of decline have we heard, during all that period!

The Continental Coloniſts ſoon ſupplied themſelves, and gradually ſupplanted the Engliſh merchants, in the Weſt-India markets. Sir Joſiah Child, ſaw the rivalry begin, during the reign of Charles II. and warned the nation of the conſequences. Dr. D'Avenant beheld its progreſs, amid the wars of William III. and vainly urged the interpoſition of the Legiſlature. While the Britiſh landholders were at a vaſt expence, in taxes and debts, defending the colonies, during every conteſt ſince the Revolution, the colonial landholders entered into a too ſucceſsful competition with their protectors, in every port, during peace; nay, even ſupplied with proviſions the enemies of both in war. The coloniſts were regarded as fellow-ſubjects, who merited not only defence, but favour. The landholders of Britain allowed meanwhile, a double monopoly to be eſtabliſhed againſt themſelves: They firſt, permitted the Weſt-Indians to furniſh their own markets, with all things from the continental colonies; they indulged the Weſt-Indians, ſecondly, with the ſole ſupply of the Britiſh markets, for rum, ſugar, and their other products. But, though our kindneſs, rather than our intereſts, allowed to our continental coloniſts, a competition in every market; ſurely, our policy ought not to permit thoſe who were once ſubjects, but are now aliens, to act as rivals in the commerce of the Britiſh Weſt-Indies, which the Britiſh nation is ſtill bound to defend. The French do not act in this manner: And yet, the

Weſt-

Weſt-India regulations of France, are by all the world commended.

We ſhall nevertheleſs be pertinaciouſly told: "That the admiſſion of American ſhips into the Weſt-India ports, is *obviouſly eſſential:* That Great-Britain muſt at laſt ſubmit." Theſe are at leaſt confident words. The term *obviouſly* ſuppoſes, that the general aſſertion admits of no controverſy: And the word *eſſential*, ſignifies that the nature of the grievance allows no alleviation. The continental coloniſts, when on the eve of a revolt, in the ſame manner thought, that their traffic was obviouſly eſſential to the Weſt-Indians; and therefore prohibited all commerce between them. Yet, eight years experience hath evinced, contrary to malignant ſpeculation, that it is poſſible for the Weſt-Indies to exiſt and to proſper, were the United States doomed to perpetual ſterility. It is the mercantile ſpirit which brings the buyers and ſellers of diſtant countries together. Merchants are ſufficiently ſtudious to diſcover the demands of every market; that they may profit, by ſupplying them. The traders of Great-Britain and Ireland ſeized the opportunity, which the factious folly of the Americans had furniſhed, to revive and extend the buſineſs, that had enriched their fathers, during happier times. Even during a conſuming war, when vaſt fleets and armies were fed beyond the ocean, Great-Britain and Ireland ſufficiently ſupplied all thoſe neceſſaries, which the Weſt-Indians did not readily find in their own œconomy.

Their

Their ſuperabundance even furniſhed the army that General Grant conducted to their aid, with ſeveral months proviſions. And the fleet too ſometimes partook in what the planters had to ſpare. The following cuſtom-houſe entries will ſhew ſufficiently, whence that abundance was drawn, at the beginning, at the middle, and at the end of the war.

Of Salted Provisions there were exported from England alone:

	Irish Beef. Barrels.	Irish Pork. Barrels.	English Beef and Pork.	Total Barrels.	English Bacon. Flitches.	English Tripe. Kegs.
In 1773	1195	383	259	1,787	558	306;
In 1780	9844	3471	4180	17,795	3369	1582;
In 1783	9848	3059	3619	16,526	5188	2559;

Contraſt with theſe quantities the Weſt India ſupply of Beef and Pork from the revolted colonies, according to an average of three years, ending with 1773, — — 14,992

Of Pickled Fish there were exported from England only:

	Red Herrings. Barrels.	White Ditto. Barrels	Total. Barrels.	Pilchards. Hogſheads.	Salmon. Barrels.
In 1773	514	1876	2390	211	5.
In 1780	1810	7281	9097	1188	109.
In 1783	2840	15060	17900	313	35.

Contraſt with theſe the Weſt-India ſupply of *pickled* fiſh from the revolted colonies, according to an average of three years, ending with 1773, 16200

From England only there were exported of Butter, Cheese, and Beer:

	Iriſh Butter. Hund. weight.	Engliſh Ditto. Firkins.	Engliſh Cheeſe. Hund. weight.	Beer. Tons.
In 1773	1195	92	3247	1881
In 1780	9844	274	3660	2042
In 1783	3195	522	4475	3170

With the laſt-mentioned products of our fields we find little from the revolted Colonies to contraſt, becauſe of butter, cheeſe and beer, they imported more than they ſent out *. From the foregoing entries, with all their defects, it is ſufficiently clear, that Great Britain had regained the ſupply of the articles contained in them, and that, as to thoſe neceſſaries, the Weſt India demand was amply anſwered. The planters derived ground proviſions from that beſt of all reſources, their own diligence and attention. And their meaſure of all things was probably filled up from the prizes, which even hoſtility conducted to their ports. But it was from the embarraſſments, which their affected friends intended to throw in their way, that the Weſt-Indians learned a leſſon of the greateſt importance for every people to know, that no community ought to depend on its neighbour, for what the neceſſities of life require. The country, which is *phyſically* dependent on another, muſt ſoon become *politically* dependent on it.

If indeed the admiſſion of American veſſels into the Weſt-India ports were eſſential to the furniſh-

 ing

* There were exported from Ireland to the Britiſh Colonies, Continental and Weſt-Indian, according to an average of the years 1773-4-5 ;

Of Beef	——	68,990 Barrels.
Pork	——	25,964 Barrels.
Tongues	——	3,332 Dozens.
Butter	——	36,644 Cwt.
Cheeſe	——	1,317 Do.

ing of the unhappy negroes with food, benevolence would drop a tear over the wants of human nature, and juſtice would grant what policy might wiſh to deny. The queſtion however does not turn on the pivot of ſupplying the Weſt India Lords with their uſual luxuries, or the Weſt-India ſlaves with their accuſtomed needs. The proclamation has provided, that both ſhall be ſupplied in the moſt *reaſonable* manner, having at once an attention to private convenience, and to public ſafety: But, the Weſt-Indians contend, that they ought to be accommodated in the moſt *profitable* manner, having a regard to their own intereſt alone. And we have ſeen, that three abundant markets, namely, Great-Britain, and Ireland, in Europe, and Newfoundland, Canada, and Nova Scotia, in America, had been already opened, when the proclamation added the United States as a fourth. True indeed, neither the proclamation, nor the law commanded traders *to ſupply the Weſt-India wants*. It was ſufficient, that the laws and the proclamation removed every hindrance. All ſyſtems preſume, that it is the buſineſs of merchants to diſcover the neceſſities of mankind, and to ranſack the earth for the means of gratification. The traders have actually found means, ſince the peace, as they had already done, during the war, to accommodate the Weſt-Indies abundantly. Almoſt every letter, by every packet, communicates the welcome news of plentiful markets. And it is a deciſive confirmation of the truth

truth of private intelligence, and of public report, that thoſe who have clamoured the moſt have brought no incontrovertible evidence of an exiſting neceſſity. Thus, the meaſure of admitting the American veſſels into the Weſt-India ports, reſults at laſt into a mere conſideration of mercantile profit, or into a gratification of private paſſion, though at the hazard of the public welfare.

The pretenſion of the Weſt-Indians, which can conſequently be no more conſidered as a claim of neceſſity, or of juſtice, has been run out by the ingenuity of men into various modifications of demand and ſupply. It has been ſuggeſted by ſome, that were the United States to prohibit all traffick with the Britiſh Weſt-Indies, the beſt market for the products of both would be in future cut off. By others it has been confidently ſaid, that were this event to take place, the Continental Colonies, which ſtill belong to Britain, would ſoon be able to ſupply the void. And a third claſs of men, with a bolder ſpirit inſiſt, that the only inquiry ſhould be, whether the Britiſh Weſt-Indies can find ſuitable markets on the face of the earth, without regarding the United States, or even our remaining plantations, any more than if they did not exiſt.

§. 3. In order to diſcover all the diſtinct ſhades of truth, which may be contained in each of the foregoing propoſitions, it is intended to conſider the difficult ſubject, under three diſtinct heads, in their order: 1ſt, Whence can the Britiſh Weſt-Indies

Indies be ſupplied with proviſions and other neceſſaries, if the United States ſhould deny their aid; 2dly, Whence can the Weſt-Indies be furniſhed with lumber, or timber, wrought and unwrought, for the various uſes of the cooper and builder; and 3dly, Whence will the Weſt-Indians find conſumption for their rum and other luxurious productions, if the United States ſhould reject them.

1. An inquiry into the ſtate of population in the Britiſh Weſt-India Iſlands may be regarded as rather curious than uſeful, when the amount of their conſumption can be nearly aſcertained by facts. The Board of Trade reported to the Houſe of Lords, in 1734, that the number of white men was then 36,201. If we ſuppoſe that they have doubled in half a century, by whatever means, the preſent white inhabitants may be calculated at about 72,000 ſouls. Mr. Glover, who very ably pleaded the cauſe of the Weſt-Indians, before the Houſe of Commons, in 1775, roundly ſtated the number of Negroes at rather more than 400,000. If we admit the foregoing conjectures to be nearly the truth, it cannot be ſurely inferred, that ſeventy-two thouſand maſters, with four hundred thouſand ſlaves, form a community of ſufficient bulk, to whoſe gratifications the intereſt and even independence of the nation ought to be ſacrificed. The planters and ſlaves exiſt in a ſtate of ſociety extremely analogous to the ſituation of Europe, during the feudal times: And like the Barons and their

their vaſſals, in the infancy of agriculture, the Weſt Indians conſume great quantities of ſalted proviſions. From the revolted Colonies they received of

BEEF and PORK.

In 1771——13,511 barrels.
72——12,575
73——18,890

An annual demand of 14,992 barrels was doubtleſs a conſiderable quantity: Yet, from Ireland alone the Weſt-Indies may be furniſhed with greater ſupplies of ſalted beef and pork than they can conſume; as we may learn from the ſtatement on the ſubſequent page *.

* See the note on page 59.

* From

* From the United States there were exported, according to an average of six years, ending with 1773,

Beef and pork, the beef at 28s. per barrel, and pork at 40s. in all 25,926 barrels.

Hams	-	1107 barrels, 6d. per lb.
Butter	-	1179 cwt. £. 2 : 10s. per cwt.

* From Ireland there were exported, according to to an average of seven years, ending with 1777.

Beef	-	195,605 barrels, at £. 1 : 12s. per barrel.
Pork,		55,240 at 2 : 0
		250845 barrels.
Bacon		19,125 flitches at 15s. per cwt.
Butter		267,212 cwt. at 2 : 5s. 6d. per cwt.

* The detail of Irish provisions was taken from Mr. A. Young's Tour in Ireland: The American account is from the inspector of import and exports books. Let us contrast the above-mentioned prices, with the prices current of the same articles at Baltimore, the great mart of the middle States, in May 1784; converting the currency to sterling at 66⅔; namely,

Beef, American	£. 2 5 0	per barrel.
Beef, Irish	1 16 0	per ditto.
Pork, American	3 12 0	per ditto.
Pork, Irish—none		
Hams	0 0 6	per lb.
Flitches	0 0 5½	per lb.
Butter, American	0 0 9	per lb.
Butter, Irish	0 0 10¾	per lb.

Yet, the unexampled severity of the preceding Winter may have operated on all these prices.

Thus, by contraſting the whole quantities of thoſe different kinds of ſalted proviſions, which were exported from Ireland and the United States, about the ſame time, we ſee ſuch a ſuperiority in the Iriſh market over the American, as to leave the merchant little room for choice. The Iriſh ſupply is vaſtly greater; the prices are nearly equal; yet it muſt be obſerved, that the Iriſh barrel is ſomewhat ſmaller, while the quality is infinitely preferable. Conſidering how much our Weſt-India veſſels have hitherto wanted freights, and how commodious the ports of Ireland are to the ſhipping from the Weſtern coaſt of Britain, the ſalted proviſions of Ireland may be thence tranſported cheaper to the Weſt Indies than from the nearer ſhores of the American States. And the Iriſh beef and pork and butter, were always preferred in the Weſt India markets, and even in the markets of the revolted Colonies. Britain too, we have ſeen, can furniſh no inconſiderable quantity of all theſe articles. To preſerve the ſupplying of ſalted proviſions to Britain and Ireland, by excluding the competition of the United States, was the ruling principle of the late regulations. And thus from the independence of the revolted Colonies have we gained all the profits of the ſupply, and the ſtill more important advantage of the freights.

The wiſdom of thoſe regulations, and the benefits which Britain muſt neceſſarily gain from that ſignal event, will appear in a ſtill clearer light, if we take a comprehenſive view of our fiſheries; which,

as the beſt nurſery of our ſeamen, are ſo worthy of our care.

The ſubjoined detail, containing a ſketch of the Newfoundland fiſhery, during two diſtant years of peace, which immediately followed two conſuming wars, will enable the reader to determine how far the revolt of the colonies has deprived Great Britain of this valuable fiſhery, according to the prophecy of 1775.

	in 1764	in 1784.
The number of Britiſh fiſhing ſhips —	141	
Trading ſhips	97	
	238	296
American ſhips	205	50
Tons of Britiſh fiſhing ſhips	14,819	
Trading ſhips	11,924	
	26,743	28,832
Of American ſhips	13,837	4,202
Number of men in Britiſh fiſhing ſhips, —	1,933	3,585
Ditto in Britiſh trading ſhips	1,039	
Number of paſſengers from England —	1,639	3,187
Ditto from Ireland —	2,451	

Number

Number of ſouls who remained, during the Winter in Newfoundland —	10,226	10,821
Number concerned in the fiſhery —	17,288	17,593
Quintals of Cod exported to foreign markets —	470,188	497,884

Such was the general amount of a fiſhery which has at all times received, becauſe it always merited, much of our legiſlative regulation. But, in extending encouragement to that moſt uſeful claſs of ſubjects, the preference ought ſurely to be given to the fiſhers, who go yearly from Britain and Ireland, in oppoſition to thoſe, who reſide and carry on a ſedentary fiſhery: For, if the uſe of a nurſery is to ſupply the public with ſailors, when the dangers of war require their aid, it is in vain to breed ſeamen, whoſe ſervices cannot eaſily be commanded when they are moſt wanted. Uſeful regulations ought to be preferred to pecuniary bounties. And no encouragement can preſerve the fiſhery if a ſpeedy and conſtant ſale is not found for the fiſh, when it is cured. From the Independence of the American States we have regained the market of the Britiſh Weſt-Indies, which the wiſdom of our Councils may eaſily regulate and preſerve, for our own fiſhers alone.

Theſe truths which are at leaſt intereſting to a nation of iſlanders, will ſtill more plainly appear from the following details :

Fish, *dried* and *pickled*.

	Exported from Newfoundland, Nova Scotia, and Canada.				Exported from the now United States.			
	To Britain and Ireland.	To South of Europe, Azores, &c	To West-Indies, British and foreign.	Total.	To Britain and Ireland.	To South of Europe, Azores. &c.	To West-Indies, British and foreign.	Total.
	Quintals.	Quintals.	Quintals.	Quintals.	Quintals.	Quintals.	Quintals.	Quintals.
In 1771	17,481	603,995	18,426	640,902	2,000	131,882	197,993	331,875
72	19,802	365,306	35,447	420,555	0	105,406	256,284	361,690
73	32,768	561,749	33,728	628,245	118	70,517	271,684	342,319
	Barrels.	Barrels.	Barrels.	Barrels.	Barrels.	Barrels.	Barrels.	Barrels.
In 1771	395	599	458	1,452	4	259	41,011	41,274
72	326	393	548	1,267	24	488	29,795	30,305
73	361	907	647	1,915	2	155	87,603	37,760

But this ſtatement will not be admitted to be a genuine account of the relative importance of the Britiſh and American fiſhery, by thoſe who know, that the New Englanders purchaſed much of their fiſh at Newfoundland, which they afterwards exported to foreign markets. And a comparative view of both theſe fiſheries is ſubjoined, in order to ſhew more diſtinctly, which of them forms the great mart, whence the Britiſh Weſt-Indies may be amply ſupplied.

Fiſh exported from Newfoundland, Canada, and Nova Scotia.	Quintals.	Fiſh exported from the now United States.	Quintals.
In 1771—To Britain and Ireland,	17,481	In 1771—To Britain and Ireland	2,000
South of Europe, &c.	604,975	To South of Europe, &c.	131,882
Weſt-Indies, Britiſh and foreign — —	18,426	To Weſt-Indies, Britiſh and foreign — —	196,993
	640,902		330,875
Add the fiſh bought by the New Englanders at Newfoundland, which appears from the Cuſtom houſe entry to have been imported coaſtways	67,012	Deduct the fiſh bought by the New Engliſh at Newfoundland and afterwards exported from their own ports	67,012
Whole produce of the now Britiſh fiſhery — —	707,914	Whence we perceive, the whole produce of the American fiſhery to have only been — —	263,863

Thus, we ſee, that the revolted Colonies had engroſſed almoſt the whole of the Weſt-India markets. And thus we perceive from what ſource the Britiſh Weſt-Indies may be moſt amply ſupplied with fiſh, when we conſider, that their whole conſumption amounted only, to about 161,000 quintals of dried and 16,178 barrels of pickled fiſh, if we may judge from an average of three years importation, ending with 1773; and when we reflect too, that the general price at Newfoundland was ſeven ſhillings the quintal, while it was uſually nine at Boſton.

That we enjoyed a conſiderable fiſhery not only at Newfoundland, but alſo on the American coaſts, before New England was planted, is a melancholy truth, which we might learn from the debates in Parliament, during the year 1621, if Sir Joſiah Child had not recorded the fact, during the reign of Charles II. and lamented the impolicy of permitting it. The American charters, which were granted by Charles I. are all remarkable for a cautious clauſe, reſerving to the reſidents of England and Ireland the right of fiſhing in the bays and harbours of the Colonies and drying the fiſh on their lands *. The ardent people, who formed the ſettlement of New England were ſoon driven by their

* This clauſe was probably inſerted from the declared ſenſe of the Houſe of Commons; that the Engliſh fiſheries were of more national importance than the Colonies. See the Parliamentary Debates 1621 throughout.

their neceſſities to begin the labours of the fiſher. The hardy inhabitants of the Weſtern Coaſts of England, who uſed annually to reſort to the American ſhores, found too powerful competitors in the planters, who had emigrated from Dorſet, Devon, and other Weſtern parts of England; whoſe ſuperior advantages in their new ſituation, converted ere long an annual fiſhery from England into a ſtationary one, at the diſtance of three thouſand miles. With a ſimilar ſpirit the New Englanders engaged in the fiſheries of Newfoundland, though not with the ſame excluſive ſucceſs. And in proportion as that enterpriſing people became competitors with the fiſhers of Britain, during her civil and foreign wars, their rivalry narrowed the nurſery, which had been deſtined to furniſh the Britiſh navy with a hardy race. For, the American ſeamen, like the Britiſh, could not be preſſed into the public ſervice, ſince they were exempted, not ſo much by act of Parliament *, as by the ſpirit of the country.

Owing to the before-mentioned cauſes, the Britiſh trader had long ceaſed to have much direct trade from Newfoundland to the Britiſh Weſt-Indies. For, it appears from an average of the years 1771-2-3, that there were only ſent to the Weſt-India market, directly from Newfoundland, 3922 quintals, 769 hogſheads and 67 barrels of fiſh, tho' the Weſt-India demand required (as we have ſeen)

* 6 Ann. ch. 37. ſec. 9.

161,000 quintals of dried, and 16,178 barrels of pickled fiſh. To ſo great an extent had the New-Englanders engroſſed that profitable buſineſs, together with the chief ſupply of the Newfoundland fiſheries. They thereby enjoyed all the gains of double freights and double profits on the commodities. They ſent to Newfoundland in the firſt place, molaſſes, ſugars, and other products of the Weſt-Indies, together with proviſions, and immenſe quantities of rum from their own diſtilleries. In return, they carried away the fiſh into their own ports, where the whole was ſorted, and whence much of the inferior kind was afterwards ſent to the Weſt-Indies, for ſupplying the conſumption of the ſlaves. Of this gainful traffick the revolt deprived the Americans, with other greater benefits. And during the war a direct trade, between Newfoundland and the Britiſh Weſt-Indies, was opened, which proved equally advantageous to both. A market was even found for the refuſe fiſh in the free ports of the foreign iſlands. And thus, what the Americans loſt, in purſuit of their object, Britiſh ſubjects have gained * and may keep, unleſs we reject the favours, which fortune has thrown in our way.

Scotland is ſaid to have enjoyed a conſiderable fiſhery in ancient times. It did not however deſcend

* The ſupply of proviſions, of Weſt-India products, and of lumber, which were annually ſent from the revolted Colonies to Newfoundland, was formerly prodigious and required many ſhips

ſcend to the epoch of the Union; which was dreaded and oppoſed by the Duch *; becauſe their commercial jealouſy ſuſpected, that the wealth of England would be employed, in urging the Scotch to reſume and regain the fiſheries, which their misfortunes, or evil habits had loſt. What the Dutch thus foreſaw and feared actually happened in time. The Parliament wiſely gave a bounty, in 1750, of thirty ſhillings a ton, on ſuch buſſes as ſhould be employed in the white herring fiſhery, under ſpecific qualifications. Before the year 1768, the Parliamentary bounty had created 263 buſſes, carrying 12,556 tons, which were navigated by 2,898 men, who caught 28,162 barrels of herrings †. It

 was

ſhips to carry it. That traffick had dwindled, in 1784, to the cargoes of ſix Britiſh veſſels, which brought the very inconſiderable ſupplies, that are ſubjoined:

Flour	—	221 barrels,
Bread	—	10 barrels, 448 kegs, 1230 cwt.
Oatmeal	—	8 caſks,
Butter		12 kegs,
Chocolate		9 boxes,
Apples	—	46 barrels,
Poultry	—	17 dozen,
Sheep	—	21 number,
Cattle	—	117 number,
Onions		3069 bunches,
Molaſſes	—	92 hogſheads,

No Rum, and a ſmall quantity of Lumber and Naval Stores.

* As we know from a memorial of Dr. D'Avenant to Lord Godolphin, in the Paper-office.

† A detail from the Cuſtom-houſe.

was probably, from a fiſhery, thus created by a wiſe meaſure, which ought alone to evince to the United States what the wealth of Britain can do, when employed on her own improvement, that Scotland exported to the Weſt-Indies of HERRINGS;

In 1767	—	—	8,273 Barrels
In 1768	—	—	10,830
In 1769	—	—	8,435

beſides tuſk, ling and ſalmon, in much ſmaller quantities. The amount had perhaps been greater had the competition of the revolted Colonies been leſs. When that competition was removed, by the war, England alone ſent ſupplies of pickled fiſh to the Britiſh Weſt-Indies fully equal to the conſumption, as hath been already proved *. The Britiſh fiſh fetched a higher price than the American, becauſe they are of higher reliſh and more capable of preſervation. The extenſion of circumjacent fiſheries, and the improvement of internal waſtes are the only objects, which greatly merit the bounties of the Britiſh nation; owing to the nature of its defence and frequency of attack. But, the beſt bounty, becauſe the cheapeſt and moſt ſucceſsful, is the opening and extending of markets, wherein there ſhall be no competitors. Whether the Britiſh fiſheries, European and American, can ſupply

* See before p. 56. There were moreover ſent from Scotland, in 1779, no fewer than 25,767 barrels of Herrings, excluſive of Ling, Salmon, &c. though in no great quantities.

ſupply the Britiſh Weſt-Indies with 161,000 quintals of dried, and 16,200 barrels of pickled fiſh; whether this cargo ought to be ſupplied by Britiſh ſubjects, excluſive of American citizens; are queſtions, which he would be idle, who ſhould ſit down to anſwer.

It will be found perhaps much more difficult to procure for the Weſt-Indies an adequate ſupply of live proviſions and live ſtock, which the proclamation properly allowed to be ſent them from the United States, if the American governments ſhould, in their anger, prohibit the export in *Britiſh* ſhips. The neceſſary cargo is not a ſmall one; as we may learn from the following detail:

LIVE STOCK,

Exported from the now United States to the Britiſh Weſt-Indies,

	Horſes, No.	Cattle, No.	Sheep and Hogs, No.	Poultry, dozen.
In 1771,	2170	1148	4812	1007
72,	2220	1296	3693	939
73,	2768	1203	5320	799

Yet the numbers of each kind are not beyond the ſupply which the Britiſh dominions can furniſh. Horſes, we know, have been ſent to the Weſt-Indies from Britain and Ireland, during every age, in proportion probably, as they were not excluded by the competition of the revolted Colonies. Since the epoch of Independence low priced horſes have been actually exported from Scotland. In the two and twenty years, ending with 1771, there were exported

exported from England, though not wholly to America, no fewer than 29,131 horſes*. There ſeems then no reaſon to doubt, but the bogs of Ireland, the mountains of Scotland, and the heaths of Cornwall, will produce garrons enow to anſwer the full demand of four and twenty hundred, without proſtituting the hunters of Yorkſhire to the drudgery of the mill. Mules are ſent to the Weſt-Indies from the Weſt of England. From the peace of 1763, Canada ſupplied the Southern ſettlements with many ſerviceable horſes, by the route of Lake Champlain, which were ſometimes exported to the Weſt Indies; but Canada ſent none by the River St. Laurence: The channel of the Champlain being now obſtructed, the ſurplus number will aſſuredly form a part of the mixed cargoes, which will now be ſent directly to the Britiſh Weſt Indies, in proſecution of a more vigorous commerce. The foreſts of Nova Scotia have hitherto bred few horſes. When the energy of the new ſettlers ſhall have banked out the tide, we may reaſonably expect, that their meadows will raiſe horſes ſufficient to ſupply even the wants of neighbours, from their Eaſtern harbours, which, ſtretching far into the ocean, court the traffick of every country.

The fields, which, from their herbage, produce horſes, will equally rear cattle of every other kind. Canada and Nova Scotia have not yet ſupplied the Weſt

* See the Annual Regiſter, 1773.

Weſt Indies with any number of oxen. Commerce, like every thing elſe, muſt have its beginning and its end. Virginia and New England were originally ſtocked with the ox and the ſheep from England. Both however gained from her in leſs than forty years the ſupply of the Weſt Indies, which they, with the other revolted Colonies, chiefly enjoyed previous to the late civil war.—Canada and Nova Scotia have yet to learn how to form that miſcellaneous cargo, conſiſting of proviſions alive and ſalted, of lumber, and of almoſt every thing, which the neceſſities, rather than the elegancies of life, require. Till both have acquired the pedling arts of their neighbours (and it were to be wiſhed that every part of the Britiſh dominions would practiſe a pedling more than a magnificent commerce) Ireland alone can ſupply from her moſt luxuriant paſtures the full demand of cattle for the Weſt India market, ſince Ireland annually exported, according, to an average of ſeven years, ending with 1777, four thouſand and forty live ſtock, excluſive of hogs*. From the coſt of Barbary the Weſt Indies were often ſupplied with ſheep; and from the Cape de Verd Iſlands they were ſometimes furniſhed with cattle and Indian corn. It is of greater nautical importance to Britain, to ſend ſheep and oxen to the Weſt Indies, from the Barbary Coaſt and the Cape

* Appendix to Mr. A. Young's Tour in Ireland, which contains many intereſting details.

Cape de Verd's, than from Nova Scotia or Canada; becauſe the chief care of Britain, on this occaſion, ſhould be, to find outward freights for the Weſt India veſſels, conſiſting of ſix hundred and eighty ſail; to make that buſineſs profitable now, which was formerly unprofitable, owing to the greater bulk of the homeward than the outward ladings: And in this meaſure all parties are equally intereſted, becauſe if ſhips are fully freighted to the Weſt Indies they can tranſport the Weſt India products the cheaper to Britain. Laſtly; if the Weſt Indians ſhall continue too high-minded to raiſe their own poultry, they may find feeders in Bermudas: And Bermudas alone can ſend them all the poultry, which their luxuries may crave, ſince the Bermudeans ſent them 741 dozen, in 1772, as part of an accuſtomed cargo*.

If from the offspring of paſturage we turn our attention to the products of agriculture, we ſhall find the flour of wheat to have been an article, which the Weſt Indians conſumed in great quantities, though their ſlaves were ſeldom allowed to taſte it.

Of Flour and Bread
there were exported to the Britiſh Weſt Indies;

In 1771,	—	136,388 barrels,		4,515 kegs
72,	—	126,229	—	4,960
73,	—	134,638	—	3,624.

If

*The Inſpector's Books.

If the United States ſhould refuſe their former ſupplies, the conſiderable quantity *, which was thus conſumed in the Britiſh Weſt-Indies, muſt be collected from various ſources. Nova Scotia has hitherto had no ſurplus of flour, or of wheat to ſpare. The agriculture of Canada was, for ſeveral years after the conqueſt, overſhadowed by the ſuperior advantages of the middle colonies. It was the cheapneſs of the Canadian wheat, owing to the abſence of buyers, which induced the Philadelphian merchants to become ſpeculators in the market of Quebec, for ſupplying directly the demands of Portugal and Spain. And Canada actually exported †

	Buſhels wheat.	Barrels of flour.
In 1772, —	154,807 —	720
73, —	264,916 —	7,091
74, —	460,818 —	6,991
75, —	175,059 —	7,115
78, —	14,175 —	20,521

The Canadians, like their Southern neighbours, have acquired an energy from the war, which, like them, they will carry into all the operations of peace. To argue, that the Canadians, becauſe they were once indolent and poor, are never to become active and opulent, is to inſiſt that the

* The Inſpector's Books.

† Inſpect. Gen. Books.

affairs of the world do not run continually in a progreſs; that children never become men; that every people have not their beginning, their riſe, and their decline. The hiſtorian will find no great difficulty, in pointing out the exact period, when each of the revolted Colonies exported a leſs quantity of wheat and flour, than Canada actually ſent out, as its ſurplus, in 1772. When the United States, in their ſpirit of reſentment, rather than retaliation, ſhall have withdrawn the competition of their citizens; when a conſtant demand ſhall have operated as an encouragement to the manufacturing of wheat; then will Canada ſupply both Newfoundland and the Britiſh Weſt Indies with a ſufficient quantity of flour, which when well packed keeps for years. The froſts of Canada, the ſtorms of St. Lawrence, the fogs of Nova Scotia, have all been mentioned triumphantly, as natural infelicities, which muſt for ever prevent Canada and Nova Scotia from becoming conſiderable, in agriculture, or great in trade. The mildneſs of the Winter of 1783-4 in Nova Scotia, while the rivers and bays of the United States, as far as Carolina, continued frozen till the beginning of March, ought to moderate that triumph in future. The ſame North-Weſt wind, which renders it ſo difficult for veſſels to aſcend the St. Lawrence, after the middle of October, facilitates the navigation outwards. And Halifax might eaſily be converted into a depoſitory for all the ſurplus products of Nova Scotia and Canada; which might afterwards be

ſent

ſent out, during every ſeaſon, as demand required, from that moſt commodious of all the American harbours. Halifax is ſaid to be the moſt commodious port, becauſe it is not only at all times open, but it happily ſtretches about five degrees to the Eaſtward of Cheſapeake Bay; the North-Weſt wind, which drives with irreſiſtible violence ſo many ſhips from the coaſt of the United States, carries them ſafely to Halifax, by a ſide-long preſſure; and the Gulf ſtream conveys every veſſel from the South, during the calmer weather, by an eaſy ſail along the American ſhores to this moſt ſecure retreat.

Whatever productions, the ploughs of Canada, or Nova Scotia, may ever yield, Great Britain will ſurely be able to furniſh all the flour of wheat, which the Britiſh Weſt-Indies can ever require, if from our experience we may form any expectation. Even young men may remember ſince England ſupplied the coaſts of the Mediterranean, as well as the ſhores of the Baltic, with wheat. During that flouriſhing period of our agriculture, from 1740 to 1757, England exported annually * about 750,000 quarters of corn, which at the low prices of that time, brought into the nation £.1,300,000. Such plenty, alas! and ſuch profit from Corn, we have not for ſome years known. However unfavourable the ſeaſons may prove, there is reaſon to

 hope

* An. Reg. 1772.

hope, from the improved ſtate of our agriculture, that Great-Britain will be able to ſpare wheat flour enough to ſupply the wants of a community of ſeventy thouſand maſters. For, there were actually exported to the Britiſh Weſt-Indies from England alone :

	Wheat flour. Quarters.	Oatmeal. Quarters.	Bread. Cwt.
In 1773 —	0 —	18 —	404
1780 —	35,907 —	758 —	32,587 *
1783 —	4,090 —	125 —	6,657

The quarter of meal muſt weigh 276lbs: So we may regard every quarter as only a greater barrel. From theſe Cuſtom-houſe entries, with all their imperfections, we ſee clearly enough the effect of the American competition when it exiſted, and when it had ceaſed. Whatever may be the ſyſtem which the Parliament ſhall adopt, with regard to corn, it will be wiſe to continue the permiſſion, which has for ſome years been given †, to export grain and other proviſions to the Britiſh Weſt-Indies, like the indulgence that has uſually been granted to Man, Guernſey, and Jerſey. We are

* Even from Scotland, there were exported in 1779, of

wheat flour,	—	2,475 Quarters.
Oatmeal,	—	177 Do.
Bread,	—	5,254 Cwt.

† By 23 Geo. III. ch. 6. this permiſſion was continued to the 1ſt of May 1784; and has, by an act of the laſt ſeſſion, been further continued.

are very apt to copy the French faſhions, while we too ſeldom adopt the French policy. What the French practice even now is, we may learn from the edict of the Viſcount de Damas, in July 1783, which has been lately cited as ſo favourable to the United States; and which yet permits—"Their merchants to furniſh our Colonies (of France) with every kind of their commodities, *that our nation cannot ſupply us with.*" We ought not to heſitate a moment then, in recurring to the original principle of colonization, which conſiſted, in ſupplying all that the plantations might want, and that Britain could furniſh, excluſive of every other country. And thus we perceive, how great a favour the Congreſs would confer upon Britain, were that body to prohibit the export of flour to the Britiſh Weſt-Indies; and how great a benefit Britain conferred on the American citizens, when ſhe allowed flour to be exported from the United States to the Britiſh Weſt-Indies in *Britiſh* ſhips.

It will be much more difficult to find for the Weſt-Indies a ſufficient ſupply of rice and Indian corn, which are both ſaid to be abſolutely eſſential. Of rice there were only imported in the Britiſh Weſt-Indies, if we may judge from a three years average, ending with 1773, 20,563 barrels *. Of Indian corn there were equally required, if we may determine from a ſimilar average, 401,471 buſhels.

* The Cuſtom-houſe entries.

buſhels *. Rice was in a great meaſure a luxury of the rich; and the Indian corn of the Continental Colonies was chiefly expended in the feeding of horſes, and other labouring cattle. It is not then ſo much to be lamented, that from the United States, rice and Indian corn can alone be procured in ſufficient quantities. And, every community, which thus depends on rivals, ought to look for ſubſtitutes when it can no longer find ſupplies. Every houſe-wife can find a thouſand ſubſtitutes for rice, when ſhe wiſhes to gratify the rich: And peaſe, beans, oats and barley, we know, feed the horſes of other countries. The oats, which were raiſed in the American States, were of a kind too light, and the peaſe were too ſubject to the ravages of the fly to afford much food: And oats and beans were chiefly ſupplied from

* The Cuſtom houſe entries. Indian corn was the only article of proviſions, which was unreaſonable in its price, according to the lateſt accounts from the Weſt Indies. It was as high as 5s. 10d ſterling, per buſhel, at Antigua, in April: But, it was about the ſame time as high as 4s. ſterling the buſhel in Virginia; as 7s ſterling in South Carolina; and corn was ſelling in the Baltimore market, on the 18th of May 1784, at 3s. ſterling the buſhel. All theſe high prices were owing to the ſeverity of the preceding winter, when the planters were obliged to feed their cattle with the corn which they uſed to export; Virginia and South Carolina were obliged, by the ſcarcity of proviſions, to lay an embargo on the export. [New York Journal, 17th June, 1784.]

from Britain, even before the revolt put an end to the colonial competition. From England alone there were actually ſent to the Britiſh Weſt-Indies;

	Barley qrs.	Peaſe. qrs.	Beans. qrs.	Oats. qrs.	Wheat. qrs.	Rye. qrs.
In 1773	3	356	9,089	16,615	0	350
In 1780	256	1,116	12,291	8,006	1,146	1,116
In 1783	146	755	7,360	6,129	8	755*

From theſe Cuſtom-houſe entries we ſee clearly, by contraſting the exports of the three years, the effect of competition between Great-Britain and the American States. The revolted Colonies had gradually circumvented the Parent Country, in ſupplying the Britiſh Weſt-Indies, with all the productions of agriculture. The Britiſh yeomanry, burdened with the payment of rents, tythes, and poor-rates, could not contend with the American yeomanry, who were exempted from all theſe taxes, and who at the ſame time paid much lighter public taxes. And Mr. Arthur Young very ably proved, in 1774, by an examination of particulars †, that the American farmer could not only ſupply the Weſt-India market with flour, much cheaper than the Engliſh farmer could do; but, could

* There were even exported from Scotland, to the Britiſh Weſt-Indies, in 1779,

Of Peaſe and Beans	——	1,327 Quarters.
Oats	—— ——	1,052 Do.
Barley	—— ——	44 Do.
Wheat	—— ——	4 Do.

† Political Arithmetic.

could even exclude the Engliſh farmer from ſupplying the domeſtic markets of Britain with wheat. It is curious to remark how near to each other the events of the late war have brought the prices of proviſions in America and in Britain. The current rates at the two great marts of Philadelphia and London, in December, 1783, may be compared, by the following detail:

	Philadelphia prices.	London prices.
Of fine flour per cwt.	£. 0 15 9	£. 0 16 0
Of common ditto	0 13 0	0 14 0
Of meſs beef per barrel	2 2 6	2 2 6
Of meſs pork	3 0 0	2 8 0
	£. 6 11 3	£. 6 0 6

It is a remarkable fact, that the prices of all things have been uncommonly high in the United States, ſince the peace. It is probable, however, that the London and Philadelphia prices cannot continue long to run thus parallel to each other *; though the freights may ſtill be cheaper from London than from Philadelphia: The advantages of the American farmer, notwithſtanding the additional burdens of independence, will continue ſo ſuperior, in reſpect to rents, tythes, and poor-rates over the Britiſh farmer, that the American muſt ere long overpower the Britiſh in every competition.

* The ſubjoined detail will evince the truth of the poſition in the text, that the American prices of grain are already fallen

petition. But, whatever may be the difference in the price to the Weſt Indians, this is but a ſmall equivalent, which they ought to pay to the Britiſh conſumer for enjoying the excluſive ſupply of ſugar, rum, and other Weſt India products. But, the American citizens having now ceaſed to be fellow-ſubjects, ought certainly to be excluded from a right and a benefit, which we had formerly relinquiſhed in favour to them. The Britiſh farmers next to the Britiſh ſailors are the men, who are the moſt worthy of the protection of the Britiſh legiſlature: The one claſs fights our battles: the other ſupplies us with food: The farmers are therefore entitled to the preference in ſupplying the Weſt India markets with all the productions of agriculture: The ſailors are ſtill more entitled to the employment, which ariſes from additional freights. And the public will gain in the exact proportion, as the intereſt of theſe two moſt uſeful bodies of men are promoted.

fallen much lower than the Britiſh, and will probably continue much lower:

	At London, 18th May, 1784.	At Baltimore, the mart of the middle States, 18th May, 1784.
Wheat —	£.2 8 1 per qr.	— £.1 12 0 per qr.
Peaſe —	1 13 2 ditto,	— 1 4 0 ditto.
Beans —	1 8 6 ditto.	— 1 4 0 ditto.
Barley —	1 6 9 ditto.	— 0 16 9 ditto.
Oats —	1 0 5 ditto.	— 0 8 8 ditto.

Yet, ſalted proviſions were at the ſame time much higher in the Baltimore market, than in the London.

The Weſt Indians however, like every other people, ought to be chiefly ſupplied with ground proviſions, by their own diligence and care. Let every iſland follow the example of the Jamaica Aſſembly when it enacted *: "That owners of plantations ſhall have at all times one acre of ground well planted with proviſions for every five negroes, and ſo proportionably, under the penalty of forty ſhillings, for every acre wanting." The law has long expired; but the ſalutarineſs of the rule has in a good meaſure continued the practice: And Jamaica, conſidering its ſuperior extent and populouſneſs, of all the Weſt India iſlands, requires the ſmalleſt ſupply of proviſions from abroad. Virginia and Maryland are the States which chiefly ſupply the Weſt Indies with corn: Yet, during almoſt a century, after the ſucceſſive ſettlement of each, their Aſſemblies conſtantly enforced by penalties the planting of grain in oppoſition to tobacco †. The planters of both at length diſcovered, that on the ſame plantation, with the ſame number of negroes, they could raiſe a crop of wheat, in addition to the uſual crop of tobacco †. And the Weſt Indians ought to adopt the principle, and

* Laws 1684.

† The laws of Virginia, though it had been ſettled in 1607, directed in 1663: That two acres of corn ſhould be yearly planted for each tythable, tending a crop; and that the planting of one acre of wheat ſhould excuſe the planting of two acres of corn: [Laws, p. 421] And conſiderable encouragement was giving to the building of water-mills in 1705. [Laws p. 294] Maryland paſſed ſimilar laws, 1682, ch. 1. 1705, ch. 16.

and profit from the reſult of this diſcovery; which alone conſiſts, in making the beſt uſe of their own advantages. Without the law of Jamaica the other iſlands had been driven by neceſſity to adopt the practice, of raiſing on their own fields much ground proviſions. And this policy is ſo uſeful to the maſter, and agreeable to the ſlave, that it ought to be extended and enforced by the Weſt India Legiſlatures: This rural œconomy is uſeful to the maſter, becauſe money ſaved is money gained, which depends on no contingencies: It is pleaſant to the ſlave, becauſe, while he labours his own field, and tends his own plantains, potatoes, and yams, he thinks he is free. Why then ſhould the Weſt Indians reſiſt a meaſure, which promiſes profit to themſelves and happineſs to the men, without whoſe labour they would be obliged themſelves to toil.

Yet, the Weſt India merchants and planters repreſented to the King's Miniſters in April, 1783: "That in ſeveral of his Majeſty's Sugar Colonies there are ſtill great tracts of uncultivated lands, of which, although a conſiderable part would undoubtedly under adequate encouragement be ſettled with ſugar works, yet there will remain conſiderable quantities, which from ſoil or ſituation are unfit for the culture of ſugar, though very fit for that of indigo, coffee, cocoa and tobacco, if proper encouragement were given thereto." And the encouragement thus anxiouſly aſked by them is the diſtribution of bounties from the taxes of Britain,

which are collected from our induſtrious claſſes. They ought to be told, that we wiſh not ſo much for their indigo and coffee, their cocoa and tobacco, as that they would, inſtead thereof, raiſe food for their ſlaves. Let their Aſſemblies encourage by bounties, or enforce by penalties, the raiſing of the moſt needful kind of proviſions on their own iſlands. Let them adopt every poſſible mode of ſupply rather than be dependent on rivals, or by ſacrificing the acts of navigation, enervate the beſt defence of Britain, who lately protected them from conqueſt.

2. Having thus ſhewn, that it is poſſible to ſupply the Britiſh Weſt Indies with proviſions without the American States; and that it is the intereſt of Britain to ſupply them without theſe States; it is now proper to advert ſecondly to the commerce of lumber, which the neceſſities of the builder and cooper require. The preſent demand is great; as we may learn from the following detail of the former ſupply:

There were exported from the United States to the Britiſh Weſt Indies in 1771;

Pine and oak boards, planks } lathing, &c. —	21,271,955	feet
Hoops — —	1,958,411	numb.
Staves and heading —	7,200,000	numb
Pine timber — —	200	tons
Oak timber — —	95	tons

Excluſive

Exclusive of smaller articles this cargo was certainly of a bulk, which required many ships to carry it: And without the aid of the American States it will not be easy to find an adequate supply for so large a demand. Canada and Nova Scotia, for some years before the revolt, had furnished the British West Indies with some lumber of the various kinds. Both these colonies had however been depressed by too powerful competitors, and both continued feeble; the one from its paucity of people; the other from the inveteracy of its habits: And both wanted what is of the greatest consequence for every community to possess, *energy* and *capital*. The face of both these extensive countries is luxuriantly covered with timber trees, and both of them are every where intersected by navigable rivers. In Canada the people had before the revolt erected great numbers of sawmills of a cheap and commodious construction: In Nova Scotia, it is hoped the settlers, by following now their example, will ere long convert their boundless forests into fruitful fields. Canada has been lately confined within narrower limits, which will restrain the accustomed roving of its woodsmen; who as they encrease in numbers will want employment, and who will therefore direct their future diligence to domestic occupations with the force, which compression always produces. The extensive shores of the Bay of Fundy (where the proper wood for lumber abounds with even the white oak, so prized for its closeness of grain) have been

been at length ſettled by a great body of men; from whoſe energy of character and knowledge of the buſineſs, ſcantlings for the builder and ſtaves for the cooper may be expected in abundance, as they convert the well earned rewards of their loyalty into productive farms. Nor, could the ſame quantity of products be expected indeed from the twenty-ſix thouſand people, who inhabited Nova Scotia before the late war, as from the ſuperior induſtry and wealth of the ſixty ſix thouſand fiſhers and farmers, who now reſide in that flouriſhing province. If the Congreſs, incited by the clamours of intereſted traders, ſhould prohibit the export of lumber to the Britiſh Weſt-Indies, the prohibition would operate as a bounty to Canada and Nova Scotia, by clearing the markets of overpowering competitors, and by creating a demand, which, owing chiefly to competition, they were formerly unable to ſupply. But, the planters, who chooſe the American Legiſlatures, are too much benefited from finding a market for the timber, which lies heavy on their lands, to give us any well grounded reaſon to hope, for a meaſure ſo peculiarly advantageous to the Britiſh dominions.

If however, reſentment ſhould in the ſtruggle prove too powerful for prudence, and contrary to their genuine intereſts, the United States ſhould prohibit the export of lumber to the Britiſh Weſt-Indies, it will be proper to look for adequate ſupplies from every quarter of the globe. The ſearch would

would not be difficult were the real advantage of Britain the point to be ſimply conſidered. The naval policy of Britain requires, that the Britiſh Weſt-Indies ſhould be ſupplied with lumber from the rivers of Germany and the ſhores of the Baltic, even in preference to Canada and to Nova Scotia. For, it was the opinion of Sir Joſiah Child, which the experience of a century hath verified;" That there is nothing more prejudicial and in proſpect more dangerous to any mother kingdom than the encreaſe of ſhipping in their plantations and provinces:" And from the regiſter of ſhipping at Lloyd's Coffee-houſe we may learn, that the Coloniſts have begun to build ſhips in Nova Scotia and Canada, and that the Britiſh merchants have conſtructed, ſince the revolt, veſſels of three hundred tons at Newfoundland, and ſmaller ones on the inhoſpitable coaſt of Labradore. Whether the nautical intereſts of the kingdom would be promoted the moſt, by the building of ſhips at Poole, (ſince it is the merchants at Poole who chiefly build ſhips at Newfoundland and Labradore) or at Newfoundland, is a queſtion which does not merit any anſwer: Nor, is it neceſſary to enquire, whether Britain would be moſt benefitted, by fetching the wood from Newfoundland, or by ſending thither the iron and ſails. For, in this manner it is, ſays Monteſquieu, that Holland has its quarries and its foreſts. And thus are we led to infer, that neither the petty profits of the Weſt-Indians, who enjoy monopolies enow, nor

a con-

a conſiderable advantage to our remaining coloniſts, who may convert their trees into potaſh, ought for a moment to be conſidered when the domeſtic increaſe of ſhipwrights, ſailors, and coopers, is the object in contemplation. The colonies were originally ſettled to promote the navigation of England, by creating a great employment for ſhips. To allow the plantations (as they have been allowed for a century and a half) to enter into a competition with the mother country, in ſhip-building and navigation, was abſurdly to ſacrifice the important end to the inconſiderable means. The fiſheries of New England were, in this view of the ſubject, a nuiſance in the Britiſh empire; a nuiſance great in proportion to their extent and continuance. The making of acts of Parliament to protect the New England fiſhers and the colonial ſailors from being preſſed into the public ſervice, like other Britiſh fiſhers and ſeamen, was to augment that nuiſance, inſtead of abating it.--Sailors, who reſide at the diſtance of three thouſand miles, were they ſubject to the preſs, are of little uſe to Britain, becauſe their ſervices cannot be commanded, when they are wanted moſt. For this reaſon the ſailors and fiſhers of Nova Scotia and Canada are entitled to no favour from Britain. And ſtill leſs are the American ſeamen, who continue our rivals in peace, and will be our enemies in war, entitled to any indulgence, when that favour is to be conferred by depriving our own ſailors of employment, and the nation conſequently of their ſervice.

ſervice. When the Weſt Indians are urged to allow their ſlaves to raiſe their own food for themſelves they conſtantly plead, that the planting of ſugar promotes the navigation of Britain. But, when they inſiſt, that the American citizens ſhall be allowed to ſupply them with lumber in *American ſhips*, even of the ſmalleſt ſize, they would ſacrifice the *end* to the *means*. And the Weſt Indians little reflect, amid their cares for themſelves, that in proportion as they carry their wiſhes into effect they leſſen the uſefulneſs of the Weſt Indies to Britain, and in the ſame degree withdraw the only conſideration which they can give for her defence of them.

It ought to be the conſtant object of Britain, then, conſidering that her glory and defence ariſe chiefly from her ſhips and her ſailors, to ranſack the earth for lumber and to ſupply the Weſt-Indies from her own ports. Were this meaſure carried carefully into practice it would be found to lead to the profit of individuals as well as to the ſafety of the State. The navigation, which was created, by tranſporting annually the ſurplus products of the Weſt Indies to Britain, is doubtleſs of great importance, from its magnitude, and may be rendered much more uſeful, by its regulation. This truth we ſhall ſee in the moſt ſtriking light, by attentively viewing the ſubjoined detail of the Weſt-India ſhipping, which was formed from a minute inſpection of the entries at the Cuſtom-

houſe *: And it contains an accurate abſtract of the number of veſſels, which appears from the regiſters of ſhipping to have been cleared from each reſpective iſland, during a year of unexampled export, diſtinguiſhing the Britiſh from American built ſhipping:

Iſlands.	Brit. ſhips.	Am. ſhips.	Brit. tons.	Am. tons.
Jamaica -	145	136	26,906	15,847
Barbadoes -	47	13	6,546	1,172
St. Kitt's -	35	20	6,494	2,310
Antigua -	28	22	4,073	2,290
St. Vincent's	25	9	3,042	1,100
Tobago -	6	3	615	320
Montſerrat -	10	9	1,437	1,043
Nevis - -	18	0	2,851	
Grenades -	51	49	7,717	5,942
Dominica -	32	21	3,933	2,433
Britiſh -	397	- - -	63,614	
American -	282	- - -	32,457	
Tot. in 1772, -	679	- - -	96,071	

From this detail, which is only inſtructive in proportion to its accuracy, and which to be able thus

* Some men from the ſuggeſtions of ſceptical minds delight in all the various ſhades of uncertainty. Such men are never more gratified than in finding errors in the Cuſtom-houſe books, becauſe the eſtabliſhment of error has an eſſential tendency to create univerſal doubt. But, in theſe books there is

thus to ſubmit to the Public required no ſmall reſearch, we may make many reflections. From it we ſee the relative importance of each of thoſe iſlands to our navigation and the commercial magnitude of the whole. Tobago indeed we have loſt; but, it was the leaſt we could loſe. Of the ſix hundred and ſeventy-nine veſſels, which were in this manner required to tranſport the great Weſt-India cargo of 1772 to Britain, much more than one third had been built in our Colonies, though they only contained a little more than one-half of the tonnage of thoſe that had been built in Britain. To ſo great an extent had we reſigned the moſt uſeful of all our manufactures to our Coloniſts,

is aſſuredly much truth as well as ſome falſehood: The entries of uncuſtomed goods are doubtleſs liable to much impoſition, and are therefore obnoxious to much objection, as proofs. The entries of the number of ſhips, which clear in any port in any year, contain as much certainty as generally is found in human affairs. Every veſſel, which any where loads, and all the veſſels which loaded in the Weſt-India iſlands, during any given year, muſt have neceſſarily cleared, and every veſſel is entered accordingly to the deſcription given of her in her own regiſter; namely, *where ſhe was built and who are her owners.* In this tranſaction intereſt has no object in propagating falſehood. And conſequently when the Cuſtom-houſe liſts of all veſſels, which entered outwards in any year from the Britiſh Weſt-Indies, are carefully inſpected, we gain all the certainly which, in ſuch details, any reaſonable inquirer would wiſh to have. In this manner were the Weſt-India Cuſtom-houſe returns inſpected by two very competent perſons, in order to come at the reſult mentioned in the text.

contrary to the remonſtrances of the wiſeſt men of their time. We have been ſufficiently ſolicitous about the manufactures of wool, of hats, and of iron, in the Colonies: but we have cared little, during the laſt century, for the more important manufacture of ſhips. This had been a melancholy remark, were it not that we may derive conſolation from reflecting, how much the public wiſdom may convert misfortunes into benefits. We may now regain the buſineſs of ſhip building to no ſmall extent, which our imprudent kindneſs had given away: Our ſafety requires, that we ought to retain every advantage, which a ſignal revolution has happily thrown in our way.

Of thoſe ſix hundred and ſeventy-nine veſſels, which though regiſtered at ninety-ſix thouſand tons, carried at leaſt one hundred and twenty eight thouſand tons, it is admitted, that one half failed to the Weſt-Indies without a freight, or that each ſhip carried only half a lading. The loſs from this circumſtance formerly, and the gain to be made now, by finding full freights for our outward bound ſhips, may be very eaſily calculated. If the average of the outward freight is allowed to be 40s. the ton, we may find by an eaſy calculation, that the freights on ſixty-four thouſand tons would amount to one hundred and twenty-eight thouſand pounds. To men indeed who permit their minds to dwell on ſplendid projects of commerce, or who gain thouſands from a job, even this annual gain to an opulent nation will appear very inconſiderable.

But

But it is the duty of the Legiſlature of a nation who runs too much into a magnificent trade, to promote an œconomical one. If that employment of capital, which was formerly unproductive, can be rendered, by proper meaſures, more fruitful, we may ſurely preſume, that an augmentation of capital would neceſſarily follow additional gains. Merchants, who formerly became owners of ſhips in the Weſt India trade with reluctance, would now purchaſe ſhares with alacrity. The number of veſſels would increaſe with the competition of traders. And in this manner would Great Britain, by ſupplying the Weſt-Indies with lumber from her own ports, regain the building of ſhips and invigorate that branch of her navigation, which the continued competition of her Colonies for upwards of a century had bowed down and broken.

But to the moſt ſalutary meaſure objections may be eaſily raiſed at the call of intereſt. "If it were "poſſible, ſay the Weſt India Committee, to con- "fine the intercourſe between the Sugar Colonies "and America to Britiſh built ſhips, is it quite ſo "clear, as men imagine, that we have ſhips to "carry it on, or can keep up ſuch a ſtock of Bri- "tiſh ſhipping in the merchants ſhips, as would "be wanted?" Conſidering this queſtion as an important one (and an important one it ſurely is) thoſe gentlemen do not rely on general reaſoning, but appeal to the deciſive inferences of authentic facts. In purſuance of their plan they have

brought

brought before the Public the regiſter of ſhipping, which are conſtantly ſurveyed and weekly tranſmitted for the uſe of that very reſpectable body of men, the Inſurers at Lloyd's Coffee-houſe. This regiſter, containing a return of the name of every ſhip, its tonnage and age, *the place where built*, the owner, the uſual trade wherein employed, with other more minute particulars of its quality, is very uſeful to them: And comprehending, as it does, almoſt all the ſhips, which are employed in the *foreign* trade of Britain, it furniſhes a very good comparative eſtimate of the number and nature of our ſhipping, at any two given epochs, within the laſt ſix and twenty years, the period of its exiſtence. The Committee, by uſing the regiſter of 1775, which comprehends the reports of 1772--3--4 and part of 1775, choſe the æra of the greateſt extent of navigation, which had ever tranſported the ſurplus products of England. For, from the regiſter of ſhipping at the Cuſtom-houſe, we know, that, according to a three years average ending with 1751, which was an age of commercial proſperity beyond former example, there were cleared outwards only ;

	Tons Eng.	Tons For.	Tot. Tons.
	609,798	51,386	661,184.
Yet there entered outwards, according to a three years average ending with 1774,	756,187	65,630	821,817

It was at this epoch of nautical greatneſs, that the Committee thought proper to inſpect the Regiſter

giſter and to publiſh the reſult. The public had been ſtill more obliged to them, had they ranſacked the Regiſter, ſince the peace, and equally publiſhed their reſearches, that the world might have enjoyed the ſatisfaction of contraſting two ſuch ſignal æras together. What the Committee thus declined to do has been actually done. And the Regiſter of 1783, which contains the reports of 1781-2-3 has been examined with the moſt minute care; in order to form a compariſon between a peaceful period of unexampled proſperity and a hoſtile period of uncommon embarraſſments. And the following detail contains:

A Compa-

A COMPARATIVE VIEW of the Shipping, which were employed in the *Foreign Trade* of Britain, at the Commencement and End of the late War, as they appear in the Regiſter of the Inſurers at Lloyd's Coffee-houſe, diſtinguiſhing the Britiſh from the American built Ships.

The Shiping of 1772-3-4.			The Shipping of 1781-2-3.			
Britiſh built ſhips	3,908, their tonnage	605,545	Britiſh built ſhips,	3,848, their tonnage		708,346
American ditto	2,311, ditto —	373,618	American ditto	2,334, ditto —		225,439
				5,182		933,785
			Deficience in	1,037 and —		45,478
6,219		979,263		6,219		979,269

It is thus apparent, that of the whole deficience of — — 1057 veſſels;
there were only wanting, in 1783, of *Britiſh* ſhips — 60
and of — — *American* ſhips 977
— 1037

Yet, that the total inferiority of the period of war to the period of peace
amounted only to — — 45,478 tons;
while there was an increaſe of — 102,701 Britiſh tons;
and a decreaſe of — 148,179 American tons

Such is the reſult of a compariſon, which ought ſurely to inſpire no deſpondence even into the moſt fearful minds. The Weſt-India Committee very well remark: "That the tonnage of both is much below the truth, being the tonnage the ſhips were regiſtered at; that it follows, as far as this ſurvey extended, the American ſhipping in the foreign trade of Britain amounted to a good deal more than half as much as the Britiſh." Had they inſpected the Regiſter of 1783, they would have ſeen, what indeed was not altogether within their plan, that the Britiſh ſhipping had increaſed by the excluſion of the American, during the calamities of war, no leſs than 102,701 tons. Of this exhilerating proſpect let us take another view. There were aſſuredly vaſt fleets, which, though built by Britiſh ſhipwrights, were not included in the ſurveys of 1781-2-3, becauſe they had not touched at any Britiſh port; becauſe they were inſured by the Government, who made uſe of them as tranſports. From the report of the Commiſſioners of Public Accounts we know, that there were employed at New-York by the Quarter-maſter General, the Barrack-maſter, the Commiſſary General, in the four years, ending with 1780, no fewer than 611 veſſels, carrying 44,016 tons. Were this fleet brought to the account of 1783, it would complete the defective quantity of tonnage, though not the defective number of ſhips. Many of thoſe veſſels, or perhaps a greater number, remained till November, 1783, to perform the melancholy ſervice

vice of final evacuation. And all thoſe, or many of thoſe, have again entered into the merchants employments, ſince that ſignal epoch, and properly fill the void, which the happy excluſion of the American ſhips had left. But, what is that puny fleet to the vaſt navy *, which was conſtantly employed during the years 1781-2-3, by the Victualling Office, by the Ordnance Office, by the Navy Office? And from an inſpection of Lloyd's Regiſter we may learn, that all theſe tranſports could not have been ſurveyed; becauſe the few tranſports, which appear to have been reported, conſiſted of thoſe veſſels, that were employed by the private contractors for various ſupplies. When all thoſe, or the half of thoſe, which had been employed by the public boards, are brought to account, who ſhall ſay that there was any deficience in 1783?

It is nevertheleſs aſſerted, that the deficiency was not ſupplied by Britiſh ſhips; but by veſſels foreign built, of which the Northern nations ſupplied the far greater number. If it is hereby meant to affirm, that much more has happened now, than had always happened, amid former hoſtilities,

* Intelligent men have calculated the number of veſſels, which had been hired of the traders as tranſports in the public ſervice, and have been lately diſcharged, at "upwards of a *thouſand*." Nor, can this be deemed improbable when we conſider, that there had been actually employed no fewer than 611 veſſels at New-York alone.

hoſtilities, the witneſs teſtifies of facts, which he knows not to be true. We have been driven by all our wars to employ foreign ſhips, in exact proportion to our naval embarraſſments and even to our ſucceſs by land. More than one half of the commerce of England was carried on in foreign ſhipping, during King William's wars: For it was found impoſſible to man the Navy without ſtopping the coaſt trade, owing to the ſcarcity of ſeamen. We employed no great number of foreign ſhips, during the long courſe of hoſtilities, which enſued upon the acceſſion of Q. Anne, becauſe our glories by land in ſome meaſure protected our ſhips by ſea. The Spaniſh war of 1739 increaſed the quantity of foreign tonnage cleared outwards from 26,000 tons, during the previous peace, to 87,000 tons, amid the ſubſequent hoſtilities. The French war of 1755, produced ſimilar effects: The foreign tonnage roſe from 51,000 in 1750. to 73,000 in 1756-7, and to 120,000 tons in 1761. Such was the progreſſive force of our navigation at the epoch of the revolt, that our ſhipping continued to increaſe during the three years of the American war. It was the French interpoſition, which forced up the foreign tonnage, from 64,000, in 1775, to 98,000, in 1778, and to 139,000 tons, in 1779. The foreign tonnage roſe ſtill higher, during the Dutch war. Entangled as we were, by our Colonies, preſſed by the French, attacked by the Spaniards, fought by the Dutch, and bullied by the armed neutrality; it is not ſurprizing, that

our traders ſought ſhelter under foreign flags. But, it has been ſhewn * to the conviction of reaſonable men, that however our navigation and traffic may be depreſſed by war, both conſtantly ſpring up on the return of peace with ſtill greater force.

The foregoing truth we might even collect from Lloyd's Regiſter of 1783; which ſhews, that the Britiſh capital, which had created and ſuſtained the vaſt ſhipping of Britain, at the epoch of the revolt, far from being leſſened, had actually been augmented by the war; becauſe that capital had been productive, and merchants naturally throw their ſurplus ſtocks into the ſtream of commerce which, as it flows, waſhes grains of gold from its banks. How many fortunes were there in fact made, by ſupplying the government with tranſports, and even with armed ſhips, amidſt the preſſures of war. Now, it is a productive capital, which, with the energy of compound intereſt, produces gradually ſtill greater capitals. And it is this conſtant accummulation of capital in the hands of the induſtrious claſſes, which for a century has produced, notwithſtanding the waſte of ſucceſſive wars, our flouriſhing agriculture, our various manufactures, our extenſive commerce, and our vaſt navigation.

After all this elaborate enquiry, it may be properly aſked, if there could have poſſibly been *three and*

* See The Eſtimate of the Comparative Strength of Britain, for the facts and the inference mentioned in the text.

and twenty hundred American built veſſels engaged in the foreign trade of Britain, during the years 1772—3—4—5? There may have been indeed very ancient ſhips, that had been again and again rebuilt: And Lloyd's regiſter proves this to have been the fact from the moſt accurate reports, which ſpeak of American ſhips, that had been built in 1762, and even before it. The following detail, which was carefully extracted from the records of American built ſhipping, will confirm ſufficiently the notices of the regiſter, as well as the foregoing inferences from it.

An

An account of all ſuch veſſels as were built and *regiſtered*, in the continental colonies, with the iſlands of Bahamas and Bermudas, during ſix years, diſtinguiſhing each year, and the top-ſail veſſels from the ſloops and ſchooners:

When Regiſtered.	Topſails.	Their Tons.	Sloops, &c.	Their Tons.	Total Veſſels.	Total Tons.
In — 1768	— 157	19,098	329	10,354	486	29,452
69	— 114	11,247	336	10,213	450	21,460
70	— 130	11,216	385	12,982	515	24,198
71	— 131	14,695	347	10,580	478	25,275
72	— 184	19,854	373	12,569	557	32,423
73	— 212	24,500	426	13,529	638	38,029
	928	100,610	2,196	70,227	3,124	170,837
Average of 6	155	16,768	— 366	11,704	— 520	28,473

From

From this accurate abſtract of moſt authentic records *, we ſee the full extent of the colonial ſhip-building, which was rapidly encreaſing at the æra of the late revolt. If all the veſſels, which were yearly regiſtered and ſent to ſea, from the colonies, had been annually introduced into the foreign

* With a truly ſceptical temper, which often proceeds from ignorance more than from captiouſneſs, ſome men object even to thoſe authentic records, which were kept by the American Regiſter of Shipping, as not containing the exact number of ſhips that were built in the colonies. A few remarks will ſhew with what propriety this objection is made. 1ſt. No veſſel that had been built in the plantations, could poſſibly ſail from them without a regiſter; as we know from the ſtatute of 7 and 8 of Wm. III. ch. 22. which eſtabliſhed the following regulations.——2dly. The neceſſary regiſter could not be obtained for a new built ſhip, till the builder, or other owners, made oath before the Collector of the Port, as to the place where it had been built, with other circumſtances; till the ſame ceremony was performed before the Governors.—3dly. When theſe eſſential proceedings were concluded, the Collector entered the ſhip in his book; whereof he gave a *certificate* to the owners, which, when ſigned by the Governor, conſtituted what was called among ſeamen, *The Ship's Regiſter.*—4thly. The Collector was bound to tranſmit to the office of the Regiſter General, a duplicate of all thoſe certificates, which he regularly entered in his books. —5thly. It was from theſe books, that the abſtract in the text was carefully taken, and which muſt conſequently contain the exact number of veſſels, that had been regiſtered in the plantations, during the ſpecified years, though not the preciſe quantity of tons, which the owners had an intereſt to conceal, yet may be eaſily inferred, by making a reaſonable addition to the given ſum.

foreign trade of Britain, they could have only amounted to *five hundred and twenty.* If the ſhipwrights of the colonies had ſupplied our traders, which is moſt likely, with their top-ſail veſſels alone, the annual augmentation of American ſhips had only amounted to one hundred and fifty-five. To thoſe who delight, in tracing the minute variations of commerce, it will afford no ſmall gratification to be told, that the American citizens have lately purchaſed ſeveral Britiſh built veſſels in the Thames; in order to enable them to carry on the trade between the United States and the Britiſh Weſt-Indies. And thus, if we wiſely adhere to our laws, ſhall we, in our turn, ſupply the Americans themſelves with ſhips.

When the ſtatement of our ſhipping was exhibited by the Weſt India Committee, as it appeared in Lloyd's regiſter, immediately before the war; when ſomething like a demonſtration was given of our inability to fill up the places of *two thouſand American ſhips*; all theſe ſtruck well meaning minds as a Gothic ruin, which inſpires melancholy ſentiments, and at the ſame time forces the unwelcome recollection, that all things muſt fall. But, that frightful fabrick has been now more nearly examined, and it is at length found to be one of thoſe magnificent and maſſy ſtructures, which noblemen, whoſe extent of opulence is equal to their pride of family, ſometimes erect on the Gothic plan; and which either gratifies the beholder by its novelty, or exhilerates by the appearance

pearance of uncommon wealth and great ſkill, combined together.

Having thus been aſſured, "*That the American ſhipping employed in the foreign trade of Britain amounted to a good deal more than half the Britiſh,*" we ſhall find ſome advantage, perhaps a little amuſement, in running up ſuccinctly to the original cauſe of the lamented effects. The year 1638 is the epoch of the arrival of the firſt New-England built ſhip in the Thames; as we may know from the books of Privy Council. Amid the diſtractions of the ſubſequent civil wars, the New-Englanders became the carriers of the Weſt-India products to England; as appears by the news-papers of thoſe times, which are preſerved in the Muſeum. The Act of Navigation confirmed their right to do ſo, by declaring American built ſhips to be completely Engliſh. Sir Joſiah Child ſoon after that declaration, warned the nation of the dangerous tendency of allowing colonies to build ſhips for their mother country. Dr. D'Avenant remonſtrated prophetically in 1698: "If we ſhould go to cultivate among the American plantations, the art of navigation, and teach them to have a naval force, they may ſet up for themſelves, and make the greateſt part of our Weſt-India trade precarious; beſides many other evils, in encouraging them to do ſo, it would carry from hence a great number of artificers, which in caſe of a war would be wanting in England." Of D'Avenant's prophecy, we have lived, alas! to

ſee the fulfilment. But, writers wrote then, as writers write now, without much effect on public councils.

During the wars of Anne, the Parliament encouraged the Coloniſts to execute thoſe very nautical projects, which theſe two able ſtateſmen had ſhewn to be abſurdly dangerous. The ſhipwrights of the River came up to Whitehall, in 1725, with a complaint, that their buſineſs declined and their workmen emigrated, becauſe the plantations furniſhed England with ſhips. Their petition was referred to the crown lawyers: But, the lawyers anſwered, they might as well complain of ſhipbuilding at Briſtol; for the American built ſhips were Engliſh. The anſwer of the lawyers was ſent to the Board of Trade for their advice: And they adviſed, "To lay a duty of five ſhillings a ton on all American built veſſels, which ſhould be employed in the *foreign* trade of Britain. The Miniſters did nothing in the end. And the ſhipwrights remained quiet, though they found their complaints to be unavailing, becauſe faction did not mingle in their grievances. Thoſe who look below the ſurface of public affairs, as they run down the current of time, will not be ſurprized, when they are told; That neither the lawyers, the Board of Trade, the Miniſters, nor the carpenters, knew the true ground of the grievance, which conſiſted in this: The plantation built ſhips were admitted into the ports of Britain, with all the exemptions of Britiſh; but, the Britiſh built ſhips, when

when they arrived in the Colonies, were liable to tonnage duties, and to other taxes from which their own veſſels were altogether exempted. And thus the Colony carpenters enjoyed a double monopoly, againſt the Britiſh ſhipwrights. The Colony carpenters entered into free competition with the Britiſh ſhipwrights in all the dominions of the Crown and even beyond them; while the Britiſh ſhipwrights could enter into no competition with the Colony carpenters, in their own ports. And we have ſeen the melancholy effects, which had flowed from the fountain of thoſe cauſes, before the epoch of the late civil war.

The independence of the American States has happily freed the empire from *the evil*, for which the Miniſters of George the Firſt could find no remedy, however much it diſtreſſed one of the moſt important of our induſtrious claſſes. Yet, is it propoſed to introduce this embarraſſing evil anew. And it is preſſed on the public, upon pretexts as untrue in fact, as they are unphiloſophical in principle: That we have not capital enough; that we have not ſufficient materials; that to exhauſt the timber of the kingdom, which is proper for large ſhips, would at leaſt be impolitic; and that to build veſſels with imported timber, will never anſwer. Yet, it is at the ſame time admitted, that the demand for a new ſtock of ſhips will be gradual, as the American veſſels, and the late tranſports wear out.

It is an uncontrovertible anſwer to all the foregoing objections, that the inconvenience is gradu-

ally to approach, which will furniſh opportunities enow to provide ſufficient relief. We ſhall want capital indeed, if we allow the merchants of London and Briſtol, of Liverpool and Glaſgow, to do now, what they formerly did, to ſend agents and money to our remaining colonies, or to the American States, to build ſhips for our foreign trade. The laws, as they now operate, (provided no alteration is made) will force our traders to employ that capital, which formerly enriched the induſtrious claſſes in the preſent United States, to give employment and food to the *real* Britiſh ſubjects, who reſide on the Creeks of Wales and Rivers of Scotland. At the obſcure ports of Wales (a country which abounds with excellent timber for ſhipbuilding) many ſhips have been built, during the war, as we may learn from Lloyd's Regiſter itſelf. And ſince the peace, ſhip timber has been found in commodious parts of Scotland, where trees were ſuppoſed never to have grown. By thus excluding American competitors, we ſhall augment the race of ſhipwrights, and the public as well as private intereſts will be promoted, by introducing gradually from Scotland and Wales, competitors even into the Thames, by means of their cheaper fabricks. It was owing to a ſimilar competition among the Dutch, that they were enabled to build ſuch a multitude of ſhips, by appropriating the timber of woodier countries; and were thereby induced to carry the products of the earth at lower freights, than any people in Europe. The foregoing conſiderations, with regard to this intereſting

part

part of our domeſtic œconomy, will influence (it is hoped) the wiſe government of an iſland, which depends ſo entirely on ſhipping, to take off the taxes, which are payable on the import of naval ſtores of every kind, ſince they ought ſurely to be deemed the *raw materials* of the moſt important of *our manufactures* *.

But

* It may be agreeable to men of buſineſs, as well as to men of ſpeculation, to be informed of the *preſent rates* of ſhip-building, in the Southern harbours of England; as they were communicated by an intelligent perſon, who made a tour with a view to diſcover the ſhip-yard, the cheapeſt and beſt.

In the RIVER and BRITISH CHANNEL:

At Graveſend, Broad Stairs, Dover, and Folkſtone, ——— £.8 0 0 per ton.

At Hurſtake, Cowes, Southampton, Weymouth, Tingmouth, Bridport, Topſham, Shorham, Dartmouth and Cawſand, — £.7 0 0 to 7 10 0

In the BRISTOL CHANNEL, (Engliſh ſide.)

At Biddeford and Barnſtable, — 6 10 0

In the BRISTOL CHANNEL, (Wales)

At Newenham, Gatecomb, Chepſtow, Newport, Hyth, and Swanſey, 6 10 0 to 7 10 0

For theſe prices the workmen engage to compleat the hull with joiner's work, carved work, and the work of painters, glaziers, &c. without any extra charge. All thoſe ſhip-yards (and indeed all the ſhip-yards of the kingdom) have been full of employment, ſince the peace. It is this fulneſs which erects many other ſhip-yards. And it is the eſtabliſhment of *new* ſhip-yards, which, by means of competition, reduces the price of manufacture to the loweſt poſſible point. We are told, "That the ſhip-builders of New-England will contract

But, let us return to the propoſed meaſure of ſupplying the Britiſh Weſt Indies with lumber, whence we have wandered wide, in anſwer to objections of no little weight. For, it had been vain to propoſe the furniſhing of our Weſt Indies with lumber from our own ports, if we have not a ſufficiency of ſhipping. The requiſite lumber may be divided into two kinds; that which is demanded by the builder; and that which is required by the cooper; and it is intended to diſcuſs briefly each of them in its order. It is well known that the larger pieces, which are required for the conſtruction of mills and for ſimilar purpoſes, are found on the Weſt India iſlands, where timber, cloſe of grain and difficult of manufacture, grows in great abundance: It is conſequently the lighter ſcantlings and boards, which the planters import from afar. And they may find merchants enow in London, who will contract to ſupply them from the Baltic on the following terms:

One

taſt to build ſhips at £.3 ſterl. per ton, including the joiner's work." If an American built ſhip will laſt *ſeven* years, and a Britiſh built ſhip *twenty-one*; why then the Britiſh ſhip-building will prove cheapeſt at laſt. On ſuch occaſions it not worth while to diſpute about *farthings*. Even after the American built ſhips had arrived in the Thames they uſed to require expenſive additional joiners work, &c. on the hull.

One ton, or 40 cubic feet. of fir timber will be delivered in the Thames, during peace, at — —	£.1	8	10
The ſawing of one ton by hand, ſuppoſing four cuts to be made, which will produce nine ſcantlings, will coſt	0	4	0
The freight of one ton to the Weſt Indies, conſidering how many ladings are wanted, may be deemed high at	0	18	0
	£.2	10	10
Charge of loading and unloading —	0	2	6
	£.2	13	4
But, deduct the duty on import, on the ſuppoſition that it is drawn back	0	3	4
The coſt of delivering one ton in the Weſt Indies — —	£.2	10	0
Deals 12 feet long 1 and half inch thick, and 120 in number will be equally delivered in the Thames, at —	£.7	10	0
Charge of loading and unloading	0	3	0
Freight of 120 to the Weſt Indies —	2	0	0
	£9	13	0
But, deduct the cuſtom-houſe duty, which is the ſame on 120 deals of 3 inches thick, and 20 feet long —	1	13	0
Coſt of 120 deals in the Weſt Indies	8	0	0

Something

Something doubtleſs would be ſaved were the ſhips permitted to ſail directly from the place of loading to the Weſt-Indies: But, the giving of that indulgence would open a very large door. If a regard to our domeſtic quiet would permit us to erect ſaw mills; to be worked either by wind, or water, or ſteam, the Weſt-Indians might be ſupplied on ſtill cheaper terms: And were we in ſuperaddition to that great facility to allow all duties on import to be regularly drawn back, which is altogether conſiſtent with our modern policy, we might furniſh the markets of Spain and Portugal with thoſe bulky articles, which are ſent them at preſent, by the Dutch, who fetch them from Norway and the Baltic. During the reign of Anne, we firſt gave bounties to our Coloniſts, for ſupplying us with naval ſtores and wood, that we might not be dependent on Denmark and Sweden: The time is now come, when the Americans may force us by their ingratitude, to give bounties to Denmark and Sweden, that we may be independent of the United States. Such are the revolutions of the world: It is the buſineſs of wiſe men to make the moſt of them, as the world rolls on; And ſuch is the conſequence of conſtantly running into extremes: We favoured and encouraged our colony commerce; and we debilitated other branches of buſineſs, by withdrawing capital, and inveſting it in our plantation trade; till the extent of our colony commerce, became a deplorable evil. We all remember how much our manufacturers uſed

to

to be frightened by the non-importation agreements of late times; which were indeed inſtigated by our own party-men: But, let us ſhew the United States, by the firmneſs of our conduct, that we can ſupply the Weſt-Indies, independent of them; that we ſhall conſider every tax laid by the American Aſſemblies on the importation of Britiſh manufactures, as a deſirable meaſure, for leſſening the evil of extravagant exports, and unbounded credits; the continuance of which we may find cauſe to lament.

We ought to learn from the New-Englanders, and even from the French, how to form thoſe miſcellaneous cargoes, which are ſo commodious to the Weſt-India buyer as well as to the Britiſh ſeller. We might ballaſt our Weſt-India ſhips with ſlate and tiles for the coverings of houſes. The lower hold might be filled with beef and other ſalted proviſions. The flour, meal, peaſe, beans, and oats, ought all to be packed in puncheons, ready prepared for the filling of rum: The tightneſs of ſuch packages would long preſerve theſe periſhable articles in a ſultry climate, by excluding the cauſes of corruption. Rum puncheons, that ſhould be thus ſent as packages, without the payment of freight, might be afforded at 25s. each; which is as cheap as could reaſonably be wiſhed for. A thouſand other articles might in the ſame frugal manner be ſent to the Weſt-Indies, for ſupplying their wants. They furniſh themſelves timber, which is eaſily converted into hogſheads for ſugar: Where this

reſource failed they might make very good packages for ſugar from deals of Norway. Let no man deride this Dutch œconomy. It is ſurely the duty of the Legiſlature to check magnificent projects of commerce and unfrugal operations in ſhipping; when that ſalutary meaſure may be eaſily executed, by remaining inactive and ſilent, notwithſtanding the efforts of viſionary theoriſts, or the clamours of intereſted coloniſts. And it ought to be conſtantly remembered, that the frugality of the French, from the peer to the peaſant, will ultimately degrade the greatneſs of Britain; if the moſt rigid œconomy is not obſerved in our modes of life, the working of our manufactures, the tranſactions of our commerce, the regulation of our Colonies, as well as in the adminiſtration of our Government.

While a ſpirit of moderation prevails in a trading nation, ſays the profound Sir James Steuart, it may reſt aſſured that in as far as it excells the communities, with whom it correſponds in this particular, ſo far will it increaſe the proportion of its wealth, power and ſuperiority over them. To gain theſe great objects in modern times, a prudent legiſlator muſt inſpire his people with a ſpirit of emulation, in the exerciſe of temperance, œconomy and an application to labour and ingenuity. It was with a view to theſe ſalutary objects, that it has been anxiouſly urged to extend the manufacture of ſhip-building in Britain; and that it was lately propoſed to enlarge the buſineſs

of

of coopers, by furniſhing the Weſt-Indians with ready made caſks. For, it was recollected, that the fitting of our fleets had been retarded, by the combination of carpenters, at the commencement of the late war; and that both public and private bodies had been obſtructed, by ſimilar agreements among the coopers; at a time too when the journeymen coopers on the Thames, were receiving for their labour fifteen ſhillings a day, without having raiment for themſelves, or ſhelter for their wives. When a body of troops were ſent from the Clyde, in 1776, Scotland could not furniſh coopers enow to anſwer the ſpeedy demand for packages, though ſtaves abounded: And the intelligent and active men, who were entruſted with the victualling of that body of troops, were obliged to collect coopers from the moſt diſtant parts of England. An armament therefore may be delayed, or even defeated, amid the preſſures of war, by the paucity, or combination of coopers, which may be produced equally by the incitement of our factions, or by the money of our foes. But, combinations can only be prevented by augmenting the numbers of the defective claſſes: The augmentation of numbers, can alone be gained by additional employments: And thus combinations among tradeſmen may be prevented, or beat down, by raiſing up many competitors among the extravagant workmen, whoſe ſervices are moſt wanted, both in peace and war. It is ſurely wiſer to guard by foreſight againſt public diſappointments, than to

ſolace our misfortunes by the downfall of a Miniſter, who may have been merely unable, from the paucity or combination of coopers, carpenters and ſailors, to execute a meaſure without the reach of poſſibility.

But in oppoſition to the propoſed meaſure of ſupplying the Weſt-Indians with lumber, from the ports of Britain, which has been ſhewn to be only a recurrence to the firſt principle of colonization, we ſhall be confidently told: "That then the ſugar would not be worth to the grower, the expence of raiſing it." Let us firſt admit the fact to be true; and ſecondly enquire, what would be the diſadvantage to Great-Britain. Is it the intereſt of Britain that Britiſh ſubjects ſhould poſſeſs eſtates, of the boaſted value of fifty millions, which, while ſituated in another hemiſphere, are more profitable to the owners than eſtates within the kingdom? Is it the intereſt of any country, that the attention of its people ſhould be conſtantly fixed upon a richer world? From ſad experience Spain will anſwer; it is not. Or, is it not the peculiar intereſt of Britain, under her preſent circumſtances, to turn the whole energy of her opulent and induſtrious claſſes upon herſelf, with a view to domeſtic occupations, and national improvements; moſt certainly it is. But, it is further urged, that by having beyond an extenſive ocean, ſettlements which muſt occupy our people in the ſupplying them, and which require many ſhips to bring their products away, the tranſatlantic

plantations

plantations become thus more advantageous to the State, than if they were placed in the circumjacent ſeas. Be it ſo. Yet, if the ſupply and the freights are relinquiſhed by Britain, what will remain as compenſations for the irreparable diminution of her laborious people, and the vaſt expence of defending diſtant dominions, which are impotent in themſelves, and yield no revenue or reſource?

If an accidental ſcarcity ſhould induce the Weſt-Indians to apply to the neutral iſlands, in their neighbourhood, for what they may want; if avarice ſhould induce them to continue a practice, which accident began; Great-Britain would be thereby driven to the unhappy dilemma of either depriving the Weſt-Indies of veſſels proper for ſuch a traffic; or of declaring them independent. If the Weſt-Indians expect protection from Great-Britain, they muſt ſtudy to be uſeful to her.

3. But, while the uſefulneſs of the Britiſh Weſt-Indies continues, they thereby merit (and thereby alone merit) every aid, and every facility which Great-Britain can give, conſiſtent with her naval policy and domeſtic intereſts. The American States furniſhed formerly an extenſive market for the peculiar products of the Britiſh Weſt-Indies, as the Weſt-Indies offered conſtant markets for much of the productions of the American States; who without the Weſt-Indies would not eaſily find places of ſale for all the ſurpluſes of an extenſive agriculture. Thus were they mutually advantageous to each other, though it might be eaſily proved,

proved, that the balance of benefits ſtood on the ſide of the revolted Colonies: And thus may we ſee, that it would be inconvenient to both to loſe the gainful cuſtom of each other; though the greateſt gain may be bought at too high a price. Rum was the article of chief demand of the one, and ſupply of the other: And rum is the bewitching commodity, for which if the United States, by changing their taſtes ſhould refuſe to conſume it, it would be very difficult to find an adequate market. This unfortunate truth we may learn from the following Cuſtom houſe entries: There were imported into the revolted Colonies from the Weſt Indies;

In 1770	—	3,250,060 gallons
71	—	2,180,060
72	—	3,332,750
73	—	3,049,298
Annual average	———	2,953,042.

This was doubtleſs a large quantity; which however was not all conſumed in the country; ſince much was again exported, by means of a circuitous commerce. We may gueſs, rather than infer, the real extent of the conſumption, by deducting the amount of the quantity ſent out, from the number of gallons, which we have ſeen already brought in from the Britiſh Weſt Indies. And by attending to the following detail we ſhall diſcover the genuine meaſure of each particular country's ſupplies from the America ports.

Rum

RUM EXPORTED from the UNITED STATES:

	1770		1771.		1772		1773	
	West Ind.	New Eng.	West Ind.	New Eng.	West Ind.	New Eng.	West Ind.	New Eng.
	Gallons.		Gallons.		Gallons.		Gallons.	
To Britain — —	36,632	600	4,015	3,602	4,674	117	10 963	961
Ireland — — —	10,704	7,931	4,875	4,560	20,259	1,815	23,250	1,240
South of Europe, &c.	9,251	45,310	2,140	38,962	640	37,914	6,688	68,412
Africa — — —		292,966	120	234,317	9 832	371,334	530	419,366
Weſt-Indies, Spaniſh Main, &c. — —	1,020	2,574	860	5,151	1,915	6,115	2 078	12,057
Nova Scotia, Canada and Newfoundland,	52,712	590,748	36,873	550,514	47,736	520,525	50,716	608,025
	110,319	940,129	48,883	837,106	85,056	937,820	94,225	1,110,061

Average of annual export 1,041,149

Such is the view which the Cuſtom-houſe entries exhibit of the vaſt commerce of Rum; yet, were there doubtleſs conſiderable quantities, both imported and ſent out, of which there were no regular reports. The provincial duty in Canada gave riſe there, as taxes have done in more vigilant governments, to the frauds of ſmuggling, to no ſmall extent It is known that the New-Englanders ſupplied the fiſheries of Newfoundland with many hogſheads of that exhilerating ſpirit, which were not entered at the cuſtom-houſe. And it is equally certain, that the New-Englanders uſed to ſmuggle the rum of their own diſtilleries, in abundance, together with ſmall quantities of Weſt India, into the Orkney and Shetland Iſlands, and even upon the ſhores of Wales. It is ſurely no inconſiderable advantage, which the wiſdom of our councils may draw from the independence of the United States, that the Britiſh Weſt Indies will now enjoy the ſole ſupply of the vaſt conſumption of Nova Scotia, Canada and Newfoundland; which with the augmentation of the people and their power to conſume muſt grow daily greater: And, in fact, the ſupplies of the United States were no ſooner ſtopped than rum was ſent in exuberance to all thoſe ſettlements from the Weſt Indies and even from Britain. The Weſt Indies, or perhaps the Britiſh diſtilleries, will now profit from furniſhing our African factories with no inconſiderable quantity of a liquor, which the Africans, with the rage of every uncivilized people, prize beyond gold itſelf; and

and which was chiefly ſupplied before the revolt from the New England ſtills.

But a market for many gallons muſt nevertheleſs be found, if the anger of the United States ſhould prove too powerful for their deſires of gratification. The conſumption of Weſt-India products by the Iriſh has rapidly encreaſed with the accumulation of their number and wealth: And this truth we may infer from the ſubjoined detail *.

The annual conſumption, according to a ſeven years average, ending

			Rum. Gal.		The Sugar Cwt.
with	1763,	was	543,817	—	0
	1770		1,558,067	—	158,846
	1777		1,729,662	—	196,500

From this detail we may reaſonably expect, that Ireland, having now gained a free trade with the world and a direct trade with the Weſt-Indies, muſt conſume greater quantities of both theſe articles, in proportion as ſhe happily enjoys greater bleſſings. Among the numerous improvements, in finance and in commerce, which Britain is preparing to make, under the influence of a mind of great extent and energy, we may preſume, that the traffic of rum will be extended, either by lowering the duties, or by changing the mode of collection, or above all, by ſuppreſſing the frauds of

 the

* From the Appendix of M. A. Young's Tour in Ireland.

the ſmuggler. Every grievance of which the Weſt-Indies have lately complained has ariſen not from actual ſufferings, but from mere ſpeculation about future ones. The demand for all their products has been great, ſince the peace, and the price has continued high in proportion. The Weſt Indians have not ſo much to fear from the threats of the United States: For, though their Congreſs may poſſibly reſolve, yet their citizens will continue even afterwards to ſmuggle, as they formerly did: They ſmuggled Britiſh manufactures, from Holland and New-York, contrary to the ſevereſt prohibition, during a rancorous war: They now ſmuggle their flour into the Havannah, in the face of impriſonment and death. For the ſugar, molaſſes, and other Weſt India products, it will not be difficult to find adequate markets, by means of the vaſt circle of the Britiſh trade with the world. And thus much with regard to the manner in which the Weſt-Indies have been hitherto affected, or are likely to be affected, by the recent regulations of the Privy Council *.

The inconveniencies, which neceſſarily ariſe from ſudden changes in the political œconomy of ſuch a nation as Britain, whoſe affairs become daily more complex, from the claſh of different intereſts, ought to be regarded with anxiety and prevented

* The Cuſtom-houſe books evince, that there has been a vaſt export of Rum from the Britiſh Weſt-Indies, during the year 1784, to the American States, and an unexampled quantity to our remaining Colonies.

revented with care. With what dread was the threatened annihilation of our American trade by the Congreſs, in 1774, viewed by the boldeſt of our Stateſmen, who thought they ſaw the whole manufacturers of England already arrived at Whitehall. Yet, never did an event, which threatened ſuch devaſtations in its courſe, paſs away with ſo little miſchief and ſo much ſilence, becauſe its effects were unfelt. And in proportion as it added to our ſtock of experience, it conferred many benefits on the nation, which that memorable meaſure was intended to convulſe. But, though we have thus acquired an indubitable privilege to be confident, we can have no reaſon to relinquiſh our prudence and our caution. It is impoſſible to foreſee all the commercial difficulties, which may ſtill ariſe, though none have been hitherto felt, from the independence of the United States. And it is ſurely wiſe, though experience hath taught us to think little of American threats, to enquire what conſequences, either good or evil, would reſult to the general commerce and navigation of Britain, from the admiſſion of American ſhips into the Britiſh Weſt-Indies.

Great-Britain from a regard to her ſafety has long excluded the ſhips of aliens from carrying on her trade from port to port, on her ſhores, and from Britain to Guernſey, and to the other circumjacent iſlands. The coaſt-trade, next to our internal traffic, merits the greateſt encouragement, becauſe the ſailors employed in it are moſt *within*

call, by their returning moſt frequently into domeſtic harbours. And owing to the excluſion of foreigners, the ſhips, which were employed before in the *coaſt trade*, were to the ſhips engaged in the *foreign* commerce of England, as 220,000 tons are to 335,000, excluſive of repeated voyages. If the ſhores of the Britiſh Weſt-Indies may be regarded as the coaſts of the empire, though not of the realm, their navigation ought to be conſidered as within the meaning, if not within the letter of the law. And the admiſſion of the American veſſels, either great or ſmall, into the Weſt India ports would amount, in effect, to the impolicy of allowing the Dutch to carry coals from Newcaſtle to London.

The regulation of the Statute of Charles II *. whereby alien ſhips were excluded from the trade of our coaſts, aroſe from three eſſential principles; 1ſt, It preſerved the profit of freights to the nation individually; 2dly. By forming a nurſery of ſeamen it contributed to the ſafety of the people collectively;—3dly. By preventing aliens from knowing accurately our harbours and our bays with the ſhoals and the rocks, which obſtruct the approach of an unſkilful enemy, this circumſtance alone contributes to augment the thouſand advantages, which reſult in war, from the ignorance of the foe. Of all theſe in their order, as they each apply

* 12 Cha. II. Chap. 18. Sec. 6. But, this ſalutary regulation was firſt eſtabliſhed by 5 Eliz. Chap. 5. Sec. 8.

apply to the admiſſion of the American veſſels into the Britiſh Weſt Indies.

1ſt. The profit of freights is of greater importance to Britain than the mines of Potoſi are to Spain, becauſe the one ſtrengthens, while the others enfeeble the unhappy nation to which they belong. Whence may we infer of how much advantage it is to preſerve and extend the navigation of the Weſt-Indies, which, from the bulkineſs of their products, that we bring home, and their ſupplies that we ſend out, employ many ſhips. There were engaged in the traffic between the United States and the Britiſh Weſt-Indies, immediately preceding the revolt, no fewer than 1610 veſſels (including repeated entries) which bore 115,634 tons: which were navigated by 9718 men; and which tranſported the vaſt American cargo of the value of half a million: And this intercourſe the Weſt India Committee aſſure us, "was carried on almoſt wholly in American bottoms."

Ingenious men have calculated the value of theſe freights in various ways: Say they, lumber, being of little worth, in proportion to its bulk, and occupying two thirds of the tonnage outwards, was carried at the high rate of a hundred *per cent.* on the original coſt, while the freight of proviſions, cumberſome as they are, amounted to nearly as much. The Weſt-India Committee confirm this calculation, by remarking, "that the American veſſels brought their bulky commodities to our conſumption at perhaps the cheapeſt rate poſſible, but

but ſtill *the expence of its tranſportation exceeded its original value.*" Yet, it is propoſed, as a mode of calculation, more accurate and ſpecific, to allow 45 *per cent.* on the value of the outward cargo of £. 500,000, including the accuſtomed charges of wages, intereſt, tear, and wear, and proviſions, and then the freight would amount to £. 225,000: to charge five *per cent.* on the value of the inward cargo to the United States, amounting to £.400,000, and the freight inwards would be £. 20,000: And the whole profits on the outward and inward freights muſt neceſſarily be £.245,000. The ſame ingenious men moreover inſiſt from actual trial, that were the freights calculated upon the tonnage in the accuſtomed mode, the deduction would give nearly the ſame ſum. If the value of theſe freights ſhould amount to nearly £. 245,000, it cannot ſurely admit of a queſtion, whether ſo large an yearly profit ought to be relinquiſhed to aliens, or preſerved to ſubjects: In the one caſe it would augment the wealth of our active rivals: in the other it would ſwell the ſtocks of our own merchants.

If contrary to our genuine intereſts we ſhould however allow the American citizens the freights amounting thus to £.245,000 a year, they would carry off that conſiderable ſum in bullion, ſince the balance on the general payments is much in their favour: If, on the other hand, the freights ſhould be paid to Britiſh ſhip owners they would naturally inveſt the amount in trade, by purchaſing the

the products of the country. Were the American veſſels admitted, the American citizens would not only carry off the freights in bullion, but, they would gain the profit on the cargo: By excluding our rivals, Britiſh ſubjects, who ſuſtain the Britiſh Government, will naturally gain both, with the factorage and other profits. If the good ſenſe of the nation ſhould decide, (and it generally decides right at laſt) that Britiſh veſſels ſhall alone carry on that extenſive trade, it muſt conſequently follow, that a proportional quantity of ſhipping muſt always be found. The amount of that ſupply we may determine from the ſubjoined " Account of the number of veſſels, their tonnage and men, which were employed in trading between the revolted Colonies, and the Britiſh Weſt-Indies, according to a three years average, ending with 1773, and rating each veſſel but once every year :"

	Ships.	Tons.	Men.
Employed in the trade, between the American States and the Britiſh Weſt-Indies —	533	38,544	3339
To which may be properly added one half for other American-owned veſſels, which were employed in the Honduras, and other branches of Weſt-India trade —	266	19,272	1669
	799	57,816	5008

Great as this number of ſhips is it has been ſhewn, that Britain can furniſh them; and that Britain ought, in good policy, to build them. Of the ſagacious œconomy of Holland, which imports the materials of ſhip-building, it is ſaid, that were the innumerable buſſes, which are annually employed in fiſhing, to return without any ſucceſs, the community would be greatly benefitted, by the gains that had accrued to the numerous claſſes, who had been concerned in the original outfit. But, certain it is, that were the freights of the before-mentioned veſſels to yield no gain to the traders, the landowners of Britain would derive no leſs advantage from the ſale of their timber than from the conſumption of the various workmen, who muſt be neceſſarily engaged in the fitting of ſhips: While the land owners are thus benefitted, by furniſhing materials and food, the manufacturers of cloth will derive as great profit from ſupplying the ſame workmen with raiment. It was owing to theſe conſiderations, that Sir Joſiah Child remarked upwards of a century ago: "Where much ſhipping "is employed, whatever becomes of the merchant, "who drives the trade, multitudes of people will "be certain gainers; as his Majeſty and his offi-"cers of cuſtom, beſides, ſhipwrights, butchers, "brewers, bakers, rope-makers, porters, ſeamen, "manufacturers, carmen, lightermen, and all "other artificers, who depend on trade and ſhip-"ping; *which indeed, more or leſs, the whole king-*"*dom doth.*"

Of

Of the ſeven hundred ſhips, (to write in round numbers) which were requiſite to tranſport the Weſt India products to Britain, we have ſeen one half of them ſailing thither without a freight. It is now apparent, that the late regulations have given the ſame ſhips two chances for freights, where they had not formerly one: 1ſt. The excluſion of the American ſhips will furniſh them with direct loadings of lumber and proviſions for the Britiſh Weſt Indies; 2dly, The owners may carry a cargo of dry goods (as the finer manufactures are called) for the ports of the United States; and may tranſport thence a loading of lumber and proviſions: This operation would form a circuitous voyage, which of all others, are the moſt profitable, becauſe ſomething is gained by every loading. It is apparent how much the export of our manufactures would be thus promoted, by carrying them at the ſmalleſt poſſible freight: Britiſh veſſels have actually entered into competition with the American, ſince the peace, in this buſineſs, and even carried away the cargoes from them, by under-bidding them on 'Change. 3dly, If the Congreſs ſhould prohibit, or obſtruct, this circuitous tranſportation, Britiſh ſhips would notwithſtanding have one option more, while the American ſhips are excluded from the Weſt India ports: they might call at Corke for ſalted proviſions; they might touch on the Barbary coaſt for mules and ſheep; they might viſit the Cape de

Verd's for corn and cattle: And they might in ſuperaddition carry a cargo to Gibraltar, or the Streights, to Portugal, or the Canaries. All this is poſſible; and all this by proper management might be made extremely gainful, were the minuteneſs of our diligence equal to the great extent of our capitals. In this manner would the community be benefitted by the profits of freights, with the attendant factorage; which, by adding gradually accumulation to accumulation, imperceptibly ſwells the commercial ſtocks of the kingdom.

But, to theſe ſalutary meaſures it has been ſtoutly objected by the Weſt India Committee, that the veſſels uſually employed in that traffic are too large and come too ſeldom; ſo that their operations would produce either an overſtock, by the quantity which they commonly bring, or a famine, by the delay of their arrival: And to avoid theſe difficulties, great in appearance, though none in reality, it is propoſed to admit the American veſſels of the ſmaller ſize, carrying fifty tons and under. But, if the frequent return of little ſhips are as eſſential to the domeſtic ſupply of the Britiſh Weſt Indies, as pedlars are to Poland, they ought to look for ſubſtitutes if they cannot get the principals. And he who diligently enquires ſeldom miſſes his genuine object. The Bermudeans are the Dutch of the American world, who fetch from the North what the South may require, and who carry the luxuries

luxuries of the South to gratify the palates of the North. They were engaged in this gainful buſineſs by their ſituation, placed as they happily are in the center, between the American Continent and the American Iſlands; and they were driven to it by their neceſſities, ſettled as they are on a barren rock, which diligence alone can fructify. At the commencement of the late civil war, the Bermudeans annually employed in the Weſt India trade upwards of one hundred quick ſailing ſloops, which carried about four thouſand tons *: And of theſe admirable veſſels they were accuſtomed to build every year from forty-five to fifty of the cedars, which ſpring up luxuriantly amid a waſte of rocks. In theſe veſſels the Bermudeans uſed formerly to ſend the Weſt-Indies, Britiſh and foreign, the following commodities, wherever they may have found them †.

PROVISIONS.

Of Indian corn —	3,600	buſhels.
Yams — —	16,880	lbs.
Peaſe and beans —	600	buſhels.
Rice — —	15,720	barrels.
Onions — —	151,000	ropes.
Poultry — —	741	dozen.

* Inſpector General's Books.

† Inſpector General's Books.

LUMBER.

Of oak boards and plank	3,300	feet.
Pine ditto —	152,653	do.
Clapboards —	3,170	no.
Hoops — —	2,300	no.
Shingles —	229,000	no.
Staves — —	28,900	no.

The Bermudeans, ſince the peace, have engaged once more in this beneficial buſineſs, with the attention and diligence of traders, who are obliged to follow an œconomical commerce: And the Bermudeans have already gained, in exact proportion to the greatneſs of their efforts. Let not the Weſt Indians, while wallowing in wealth, deride the ſervices and aid of thoſe little men, who being ſubjects, at leaſt as quiet and ſtill more active, merit equal protection.

Bermudas derives an importance from its ſituation, which has not been hitherto underſtood; and it now demands an attention to its ſecurity, in war, that before the Colonial revolt it did not require.

2dly. From the foregoing detail it is ſufficiently evident what a fruitful nurſery for ſhip-wrights, and mariners, and coopers, the enjoyment of many freights will always furniſh the public. And nothing can be added, to what Sir Joſiah Child has ſo ſenſibly ſaid: " This Kingdom being an " iſland, it is our intereſt, as well for our pre-

" ſervation,

" ſervation, as our profit, not only to have many " ſeamen, *but to have them, as much as may be with-* " *in call, in a time of danger.*"

3dly. The free admiſſion of the American navigators into the Weſt-India ports, by giving them accurate knowledge, would bring with it no ſlight danger to the community, or ſmall inconvenience to our commerce. We all remember what advantages it gave the Americans in ſupporting their revolt, that they were perfectly acquainted with our European and Weſt-Indian coaſts; that they ſpoke the ſame language; and that their perſons and dreſs were nearly alike. To allow them to retain that knowledge, while it is dangerous to us, can never be right. During peace they would inveigle the Britiſh Seamen into the American ſervice. During war they would furniſh our enemies with pilots for every hoſtile invaſion. Acquainted with every iſland and with every harbour, and ſpeaking the ſame dialect, the American navigators, with the morality of ſeamen, would one day enter the Weſt-India ports as friendly traders; the next they would land on the coaſt as depredatory plunderers: By the firſt operation they would diſcover the weakneſs of the land: By the ſecond they would carry away the Negoes from the fields, and cut the ſhips from the Bays. Not content with plunder by land, the American privateers would prowl among the ſhoals of the Bahamas, for the Weſt-India traders, who, as they returned through the neighbouring ſtreights, might

might be diſperſed by ſtorm, or might be unconvoyed by accident. From ſuch a ſtate of things the danger to the Weſt-Indian planters, and inconvenience to the Britiſh ſhip owners are manifeſt. But it is not ſo eaſy to calculate the additional premiums, which the inſurers would aſk to ſave harmleſs the unfortunate trader, during a war of treachery, as well as of force.

Nor are theſe all the diſadvantages that would unavoidably reſult to the commerce and navigation of the Britiſh empire, by admitting the American navigators into the Weſt-India ports. The Weſt-Indians loudly clamoured in 1731, "That the "Northern Coloniſts carried away conſiderable "quantities of caſh to the French Iſlands, where-"with they bought rum, ſugar, and molaſſes." That this complaint was founded we may ſuppoſe, from its being always continued. The French then were ſupplied with bullion, which ought to have been remitted to Britain, in payment of debts. That caſh was often carried to the continental colonies is a fact, which may be proved, by the direct evidence of the Inſpector General's books: And the truth is confirmed, by the ſtate of the balance of trade between them. The value of the annual cargo, which was uſually ſent by the revolted Colonies to the Britiſh Weſt-Indies amounted, according to a three years average, ending with 1773, to £.500,000; the Weſt-India products, which were carried away in return,

turn, amounted at £.400,000; and the freights to £.245,000, beſides their profits. Hence, the balance of trade between them roſe to £.345,000. This is not a ſmall ſum to be carried off from the Britiſh dominions; and which would have been otherwiſe tranſmitted to Britain, perhaps in liquidation of balances. Were there £.345,000 yearly imported in bullion, this influx would probably be ſufficient to feed the ſtream of our circulation; which, like the flow of our Thames, ought to run—

"Gentle, yet not dull;
Strong without rage, without o'erflowing full."

The vaſt concatenation of payments, public as well as private, depends on the fulneſs and flow of that circulation. The proſperity of our manufactures and trade; the invigoration of our credit, eſſentially depend on the punctuality of theſe payments. The induſtrious claſſes are all enabled by manufacture, and traffic, and confidence, to accumulate ſavings, (and their accumulations have long ſupported the pillars of the State) which gradually augment the commercial capital of the kingdom. And in this manner is it of the greateſt conſequence to the general commerce of the empire to exclude the American veſſels from the Weſt India ports.

Of a ſubject, thus intereſting, becauſe our ſafety and our opulence are both involved in its diſcuſſion, let us take another view. To thoſe who delight in tracing the varieties of human character, or in marking

marking the minute occurrences of human tranſactions, nothing has ever appeared more ſtriking, or unaccountable, than the difference, in policy and ſucceſs, between the Britiſh Weſt-Indies and the French. The Britiſh were bred in the lap of luxury; the French were reared in the ſchool of misfortune: The firſt were gratified with a government of freedom and indulgence; the ſecond were ruled by a ſyſtem of regulations and rigor. The French planter entered the Weſt-India world with feeble efforts, becauſe he was depreſſed by penury; he gradually added to his little ſtock by his care; his attentive profits, however ſmall in the beginning, added accumulation to accumulation; which enabled the careful cultivator to convert a plantation of coffee, that required few hands, into a larger one: And in this manner, the French Weſt-Indies roſe up with a rapidity and vigour, which aſtoniſhed the inattentive and ignorant; while the Britiſh Weſt-Indians, who formed a character the direct reverſe of the French, were conſtantly aſking protection and encouragement from the mother country. But, it is impoſſible to ſupport the indolent and careleſs, the proud and the magnificent, who began the world perhaps with borrowed money, on uſurious intereſt. The French planters found capitals in their own reſources: The Britiſh found capitals in England. And the Britiſh Weſt-Indians have been at all times greatly indebted to Britain for the money, which ſettled and improved their ſugar-works, and which though

with-

withdrawn from productive occupations at home, could not be eaſily brought back from abroad. Fifty million are now ſaid to be employed in the Weſt-India eſtates: But, if that vaſt ſum, or even the half of it, could at this moment be inveſted in domeſtic employments, how much more would it promote the commercial proſperity of Britain. To recover debts in our colonies has been always a difficult meaſure, which ſometimes attracted our legiſlative care, though without ſucceſs. And to admit the Americans into the Weſt-India ports is to augment a deplorable evil, by enabling the planters to ſend thoſe products to the American States, which ought to have been tranſmitted to Britain, in part of payment of the intereſt and principal of their Britiſh Debts.

Of theſe engaging topicks let us take a parting view. The New Englanders have long grown rich, by practiſing a pedling trade with the revolted Colonies, and with the Weſt-India Iſlands. The miſcellaneous cargoes, wherewith they ſupplied the American world, were compoſed of the various petty articles, which a diſperſed people cannot eaſily want, yet cannot readily fetch. If the American navigators are admitted into the Weſt-India ports, the New Englanders will extend this gainful traffic, and the other American Traders, invited by their gains, will follow their ſucceſsful example. The free intercourſe which they now have with France, Holland, and Hamburgh, not only in their own ſhips, but, thoſe

of foreigners, will greatly facilitate that traffic. Thus the American citizens will ſupply the Weſt-India planters with the ſilks of France, with the groceries of Holland, and with the linens of Germany, in oppoſition to the manufactures of Britain, to whom they are in this view of the ſubject, the moſt dangerous rivals. The Britiſh woollens are unſuitable to the ſultrineſs of the Weſt-India climate, and the Britiſh linens and cottons will be rejected for the cheaper linens of Germany, and the more ſhewy fabricks of France. Intereſt will in this manner concur with vanity to ſupport the ſmuggler againſt the preventive officer. And in this manner will the manufactures of Britain be depreſſed, and the morals of the planters corrupted, while the ſalutary object of colonization will be circumvented, if not deſtroyed.

Having thus introduced rivals to our domeſtic manufactures, the American traders would ere long equally interrupt our Eaſt-India commerce. They have lately ſent a veſſel from Philadelphia to China. And having thus made a beginning, they will be carried forward in their enterprizing progreſs, by the markets which they will find in the Weſt-Indies, in oppoſition to the more expenſive ſupplies of our own Eaſt-India Company. "To "wink at ſuch proceedings, ſaid Doctor D'Ave-"nant, in 1698, has been lately the practice of "corrupt Governors; and if ſpeedy care be not "taken, theſe abuſes will grow too inveterate, or "too big for correction. So that in proceſs of "time,

" time, theſe colonies (if they fall into the prac-
" tice of trading independently of England) may
" erect themſelves into independent common-
" wealths, or piratical ſocieties, which at laſt we
" ſhall not be able to maſter; by which means
" the plantations that are now a main branch of
" our wealth, may become a ſtrength to be turned
" againſt us." And in the various ways before-mentioned would the commerce and navigation of Britain be injured, nearly in the proportion, wherein the American veſſels ſhould be admitted to traffic in the Weſt-India ports.

§. 4. The attentive reader having thus ſeen the channel of our American trade freed from every obſtruction, and ſuch ſalutary regulations eſtabliſhed, as require few amendments, is at length impatient to know, what neceſſity there is for a commercial treaty with the United States, or what advantages it would bring to Great-Britain, were it already agreed on. And it is therefore propoſed to anſwer queſtions, which involve our domeſtic quiet and foreign intereſts, by a very ſhort diſcuſſion.

The origin of commerce may be traced up to that moſt early epoch, the introduction of property among mankind. When the individual was allowed to appropriate, what ſupplied his wants, or promoted his convenience, he acquired a right, that could not be diveſted, without his conſent, which introduced trade, or by force, that gave riſe to war. In this manner men, from obſerving

each other's needs, and reſpecting the poſſeſſions of each, learned the arts of mutual commutation, by finding an equivalent, which by an eaſy progreſs ſettled into traffic with all its varieties. Freedom is eſſential to commerce, becauſe conſent is always implied: When compulſion is introduced warfare in the ſame moment begins. Yet, the liberty of all muſt neceſſarily ariſe from the reſtraint, which is impoſed on the appetites of each, as it is the claſh of many wills, that produces anarchy, the worſt foe of freedom. And hence we may infer the truth of the celebrated poſition of Monteſquieu, that the conſtraint of the merchant is *not* the conſtraint of trade.

The aſſociation of many individuals, to regard each others rights, and to redreſs each others wrongs, formed a community. The various modifications of mens paſſions, their likes and diſlikes, gave riſe to many communities. But, as the compacts, which bound the aſſociators together, no further reſtrained mens previous privileges, than was eſſential to the being and end of the compact, it neceſſarily followed, that the community collectively enjoyed the rights of individuals ſeparately. Societies learned ere long, that they too had wants, which could only be ſatisfied, by ſending equivalents to circumjacent tribes. And hence aroſe the commerce, between neighbouring communities, and by means of navigation, between the moſt diſtant ones. In this new communication, the ſame liberty of choice, and the

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ſame reſtraint of appetite prevailed, as there had exiſted in the traffic of individuals. Hence, though every ſtate had a right to communicate its wants and to offer its equivalents for the ſupply of them, yet every other body of men poſſeſſed the ſame privilege of judging with regard to the value of theſe equivalents, by ſetting a higher price on its ſurplus products, which it may even refuſe to ſell, when the buyer acts unreaſonably.

From theſe ſimple principles the writers on the law of nations have juſtly inferred, that the right of trading with a foreign country is a right, neceſſarily *imperfect*, ſince the one party has the ſame privilege to determine for itſelf, whether ſuch a commerce would be detrimental, as the other had to offer its equivalents, adopting reaſon as the guide, becauſe nothing which is unreaſonable can ever be right. But, every ſociety being obliged, ſays Vattel, to trade with others, only as far as it can without being wanting to itſelf, the ſucceſs of the tranſaction will always depend on the judgment which each State ſhall form of what it can and ought to do in particular caſes: The freedom of trade depending generally on the judgment of the two parties muſt be always uncertain, and the right of commerce muſt conſequently be ever imperfect. Upon the foregoing grounds were *commercial treaties* introduced among mankind, in order to ſecure a conſtant rule and punctual tranſactions, which could no longer be broken or varied, without incurring the blame of infringing a compact,

compact, that both parties had voluntarily formed. Such is the ſource to which juriſts trace up the origin of commercial treaties, which, it is apparent, may in their formations narrow the general right of traffic, and may, in the reſult prove diſadvantageous to both parties, by relinquiſhing often more than had been gained, and by ſometimes creating diſputes about the breach of ſtipulations.

Every nation having thus a full right to regulate its own commercial affairs, by the rule of what is advantageous, or hurtful, may make thoſe treaties of commerce, which its intereſt requires, and which implies the approbation of another, or it may regulate its foreign, as well as domeſtic, trade, by its municipal law, which is founded on its own ſenſe of utility, without aſking the world's conſent. But that regulation alone is properly ſaid to be juſt and commendable, which is formed with a tenderneſs for the wants and ſupplies of mankind, having a regard to the bounds of poſſibility, and the reaſonableneſs of the meaſure. And hence it is apparent, that the true mode of judging of every proffered treaty is its ſalutarineſs, or dangers, its uſefulfulneſs, or diſadvantage.

There are perſons who aſk for a commercial treaty with the American States, without conſidering for a moment, whether it would be hurtful or convenient; and without inquiring, how far our laws have already eſtabliſhed every regulation which our intereſt requires. Writers have ſubmitted to the world ſketches of ſuch projects of traffic,

between

between the two countries, as they thought would be the moſt beneficial and wiſe, were the Legiſlature to enact them into rules, that all ſhould be required to obey. It were to be wiſhed, that the ſame writers had publiſhed the draught of a commercial treaty with the American States, that every one might have examined its principles, and approved or condemned its ſtipulations, as they had ſtood the teſt of uſefulneſs, or of diſadvantage.

In order to ſupply this defect, let us ſuppoſe that the French commercial treaty of 1778 with the American States, and the Dutch treaty with the ſame people, had been offered as a pattern for our acceptance, we ſhould diſcover by no very minute examination of the before mentioned treaties, that we have already granted to the American citizens, either by the treaty which admitted their Independence, or by the operation of our laws, more favourable terms than either the French or Dutch conceded to their American allies, during the happy moment, that the contracting parties were fondeſt of each other. If we look into the treaties we ſhall ſee this truth in a very ſtrong light. And we ſhall at the ſame time diſcover how far a commercial treaty with the American government is either neceſſary, or would be advantageous.

The Britiſh, French, and Dutch treaties with the American States are founded upon ſimilar principles. The French in perfect equality; the Dutch in reciprocal utility; and the Britiſh in liberal equity. By the French and Dutch Treaties it was mutually

mutually agreed: "Not to grant any particular favour, in reſpect of commerce and navigation which ſhall not become common to the other." From this ſtipulation, which, from the ſimplicity of its language, ſets all conſtruction at defiance, it is manifeſt, that the United States can grant to Great Britain no ſpecial immunities, whatever price ſhe might be willing to pay for them: They cannot grant to Great Britain the excluſive privilege of alone ſupplying them with her woollens and hardware, in conſideration of our admitting their veſſels into the ports of the Britiſh Weſt-Indies. Such excluſive privileges ought not to be accepted, were it in the power of the United States to confer them, becauſe monopolies are always viewed with jealouſy, at the ſame time that they are ſeldom enjoyed to their full extent. The United States have therefore no boon to grant, which ought to be regarded as an equivalent for commercial privileges, that might be diſadvantageous to Britain. And in conformity to this reaſoning, the two Commonwealths of America and the Netherlands have avowed, as the baſis of their Commercial Treaty, "That all burdenſome preferences are the uſual ſources of debate, embarraſſment, and diſcontent."

It is ſtipulated by Article 3, 4, 5, of the French and Article 2d of the Dutch Treaty—"That the people of the Contracting Powers ſhall pay no more, or greater impoſts, in the ports of each other than the moſt favoured nations pay, and ſhall enjoy every

every exemption in trade and navigation, whether in ſailing from port to port, in the ſame country, or in navigating thence to foreign nations." But, we have already ſeen, that the American citizens, as merchant ſtrangers, are entitled by our laws * to the privilege of paying no other duties at our Cuſtom-houſe, than denizens pay in the moſt friendly ports: We have ſeen too, what is ſtill more beneficial to them, that by our regulations, ſince the peace, the American States are freed from payment of all taxes on the importation of their unmanufactured products. Whether the Commercial Treaties with France and the Netherlands, or the ſpontaneous regulations of Britain, convey, in this reſpect, the greateſt exemptions and moſt valuable privileges to the United States, is a queſtion which does not merit an anſwer. France, indeed, and Holland, have allowed the American citizens, as they allow all other aliens, on the payment of ſuperior duties to ſubjects to participate in their coaſt trade, which Britain has abſolutely denied to them, as ſhe had long denied to every other alien. A regard to her defence and ſafety eſtabliſhed this uſeful regulation. And the reſpect due to the law of nations forbids any foreign power from taking umbrage at a domeſtic meaſure, ſo prudent in its origin and ſo ſalutary in its conſequences.

* From 9 Hen. III. ch. 9; 5 Hen. IV. ch. 7; and the 12 Char. II. ch. 4. requires, *that aliens ſhall be honeſtly entreated as to the payment of taxes*, at the Cuſtom-houſe.

By the 9th Article of the French Treaty, the ſhips and mariners of the Contracting Powers were reſtrained from fiſhing in any of the havens, creeks, roads, coaſts, or places of the others, under the penalty of confiſcation; and the United States moreover ſtipulated not to moleſt the French in fiſhing on the Banks or in the vicinity of Newfoundland. On the delicate ſubject of fiſhing the Dutch were cautiouſly ſilent. On the other hand, by our Treaty of Peace with the United States, they were allowed the full right of fiſhing on the Banks of Newfoundland, on the ſhores of Nova-Scotia and Labradore, with the beneficial freedom of drying their fiſh on the unoccupied coaſts of both. The difference then to the United States between the Britiſh and French Treaties, amounts to this, whether the granting or refuſing of a favour, is the moſt advantageous and kind.

The *droit d'aubaine* is relinquiſhed by France, and the right of diſpoſing by teſtament is acknowledged by Holland. The Dutch, with their uſual policy, have allowed liberty of conſcience and of ſepulture. But the French are ſilent on theſe ſubjects of religious ſcrupuloſity. The Dutch thought it of importance to ſtipulate, that parties may employ their own factors or attornies; that ſhip-maſters may be allowed to manage their own affairs, and may load and unload with the freedom of ſubjects. Were a Britiſh ſtateſman to boaſt of ſuch ſtipulations as theſe he would incite the ridicule of the wits without inſuring the approbation of the grave.

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The law of England, (as we have already ſeen,) allows every alien friend to diſpoſe of his effects by teſtament, or preſerves them for his next of kin. The rights of conſcience have been at length recognized; and have been happily adopted into our liberal ſyſtem. The melancholy privilege of burial our humanity denies neither to the Jew, the Turk, nor the Infidel. And in a country which has been honourably denominated, *The Land of Liberty*, every ſtranger may exert his own diligence, or uſe the addreſs of an agent, or, if he thinks proper, engage the abilities of a lawyer. The juriſprudence of the United States fully coincides with the laws of Great Britain, in all theſe reſpects. And by all thoſe ſtipulations the United States gained from France and Holland, who were not exactly informed of American uſage, conſiderable immunities, without granting ſpecific equivalents: For, the mere protection of law, which cannot be denied, can with no propriety be deemed the communication of benefits.

We may equally apply the foregoing remarks to the various ſtipulations of theſe treaties in caſes of ſhipwreck; and in the protection which is agreed to be given to ſhips when purſued by pirates; to the option which is allowed the owners in the breaking of bulk *. In theſe unfortunate caſes of ſhipwreck,

* By 28 Ed. III. chap. 13. ſec. 3. and 2 R. II. ch. 4. no ſhips ſhall be conſtrained to come into port, or reſtrained in ſelling their goods.

the humanity of the law of England has adopted the memorable declaration of CONSTANTINE: "If any ſhip be at any time driven on ſhore by tempeſt let the owner have it; for what right has my Exchequer in another man's calamity." This ſentiment, ſo worthy of a great Prince, has been adopted and enforced by our own Edward I. * The zeal of our Parliament for the rights of human nature hath declared him a felon, who ſhall plunder a ſtranded ſhip, and him, who with greater malice, ſhall exhibit falſe lights on purpoſe to bring navigators into danger: And theſe declarations, equally humane as wiſe, are little more than the revival of the virtuous laws of Henry II. whom no monarch need be afraid to copy. By the Statute of 31 Henry VI. ch. 4. which, for the honour of our laws remains ſtill unrepealed, it was enacted, "That if any of the King's ſubjects attempt, or "offend upon the ſea, or within the King's obey-"ſance, againſt any ſtranger, in amity, or under "ſafe conduct, eſpecially by attacking his perſon "or robbing him of his goods, the Judges may "cauſe full reſtitution and amends to be made to "the party injured." And by a modern ſtatute † it is declared to be piracy to correſpond with pirates, or to board forcibly any merchant veſſel, though without forcing, or carrying her off, and deſtroying, or throwing overboard any of her goods. Let no

* By 3. Ed. I. ch. 4.

† 8 Geo. I. ch. 24.

no foreign navigator think that he needs any commercial treaty to entitle him to full protection from pirates, in the ſeas and ports of Britain. In a country, where the people have made it an article of their Charter to give ſecurity to *foreign merchants*, no alien *friend* need fear for the ſafety of his perſon, his property, or his reputation. And he may even learn from Monteſquieu, "That in "Britain he has no occaſion to loſe an infinite deal "of time at the Cuſtom-houſe; where he has no "uſe for a particular commiſſioner either to ob-"viate all the difficulties of the farmers, or to "ſubmit to them." Whether, conſequently, on this head of the ſubject, the treaties of Holland and France, or the laws of Great Britain, are the moſt honourable in their origin, the moſt efficacious in their operation with regard to the American States, is a queſtion, which requires ſurely no further illuſtration.

But, the more to facilitate the commerce of the United States, France has ſtipulated to grant them one or more free ports, in Europe, and to continue to them the free ports, which had been already opened in the French Weſt Indies *. If that is a free port, where goods may be freely landed without paying a duty, Great Britain has already eſtabliſhed

* A letter from Hiſpaniola, dated the 26th of March, 1784, and which was publiſhed in the Maryland Journal of the 14th of May, 1784, ſays, "That in future, Cape Nochola Mole is to be the only port in this iſland for American ſhips. But, this has ſince been ſuppreſſed as a free port.

bliſhed various free ports within the Kingdom. In them the tobaccos of the United States may be landed without any expence: And all their other unmanufactured products, which prudence allowed them to bring, may be entered without payment of duties. What France then only ſtipulated to do, Great Britain has actually done: in the United States there are higher duties collected on the ſhipping and goods of aliens than on thoſe of citizens: In Britain the American citizens pay no taxes on the importation of their merchandizes: And of conſequence Great Britain has done more for the American States by her laws, than France and Holland have done by their treaties. When theſe States had obtained at length, what they had long wiſhed and lately fought for, the laws of Great Britain indeed interpoſed a bar, between her remaining Colonies and them. But, the Britiſh Government opened a great market in the Britiſh Weſt Indies for the products of the American citizens, by ſoftening the rigour of thoſe laws, in favour to them, while all other foreigners were notwithſtanding wholly ſhut out. In this view of the ſubject, the admitting a qualified importation amounted to a qualified free port, which is all that the French have allowed. The deſign of the act of navigation, ſays D'Avenant, was to make thoſe Colonies as much dependent as poſſible upon their mother country. To admit the American ſhips into the Britiſh Weſt Indies, contrary to the policy of that law, is to eſtabliſh an univerſal

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free port and with it the independence of the Weſt India iſlands. And we have learned from experience, what indeed we might have known without the coſt of a hundred millions, that the abſolute independence of our tranſatlantic territories is much more advantageous to Britain than their nominal dependence: In the one caſe, ſhe enjoys all their commercial advantages, without the weighty burthen of their defence: In the other, ſhe is ſubjected to the vaſt charge of protecting them, without enjoying any greater benefit from their trade, than all the world enjoys.

We have now fairly compared the commercial advantages, which the American States derive, on the one hand, from their late treaties with Holland and France, and on the other, from the eſtabliſhed laws of Great Britain. Let juſtice decide according to the repreſentations of candour, from which of theſe ſources the American governments might draw the greater benefits, were gratitude placed in the chair of prejudice.

There are indeed, in the American treaties with France and Holland, a variety of ſtipulations relative to a ſtate of hoſtilities. But, war is not the buſineſs of life. And every man, either prudent or humane, ought to wiſh, that it were leſs frequent in its recurrence and leſs extended in its duration. Yet, in Britain, treaties either to regulate its commencement, or to direct its operations, are by no means neceſſary. And our laws already contain every regulation, that a wiſe peo-

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ple ought to desire, or a cautious people ought to grant. "All merchants, says OUR GREAT CHARTER, shall be safe and secure in coming into "England, and going out of England, and staying and travelling through England, as well by "land as by water, to buy and to sell, without "any unjust exactions, according to ancient and "right customs, except in time of war, and if "they be of a country against us. And if such "are found in our dominions, at the beginning "of a war, they shall be apprehended, without "injury of their bodies and goods, until it be "known to us, or to our chief justiciary, how "the merchants of our country are treated in the "country at war against us; and if ours are safe "there, the others shall be safe in our country." This is the clause which hath justly conferred celebrity on England. And of this signal constitution Britons may boast in every quarter of the globe, where ships sail, or merchants trade. Now, who will say, that he can form a treaty, more salutary in its principle, or more judicious in its means, than the declaration, which our vigorous ancestors demanded and obtained, at that memorable epoch, in favour of merchants and trade.

But, while it is admitted, that the American citizens will derive a thousand benefits from the emanations of our system, it may be properly asked, what security do British subjects enjoy from the laws of the United States? Is there mutual return? It may be answered, Yes: For, it may easily be shewn,

ſhewn, that the fundamental laws of the United States are exactly analogous to the fundamental laws of Great Britain, in all thoſe rules, which give ſecurity to the citizen, and protection to the ſtranger.

The laws of a people, whatever they may be, are the liberties, to which they are the moſt attached, and which they defend with the greateſt ardour. The common law, the ancient ſtatutes of England, had been all carried by the Engliſh ſettlers, into the American colonies, as their birthright, or afterwards adopted by uſage, or ſometimes recognized by the poſitive acts of their ſubordinate legiſlatures. It is ſurely curious to trace the operation of that principle, amidſt the unnatural conteſts of the parent and her children, about their mutual rights. And we ſhall find by no long reſearch, that the revolted coloniſts have interwoven the laws of England into the very texture of their fundamental conſtitutions, while their animoſities were the moſt warm and rancorous.

We may learn the truth of that poſition, from an examination of what each of the United States thought proper to do, when they were about to form governments for themſelves. The conſtitutions of New Hampſhire and Maſſachuſett's expreſsly provided, "that all laws theretofore uſed ſhall remain in force till altered." Rhode Iſland and Connecticut retained their ancient forms and laws, which had been at all times ſufficiently democratic and even independent. New-York declared, "that ſuch

parts of the common law and ſtatutes of England and acts of Aſſembly, as formed the law of the province on the 9th of April, 1775, ſhall continue the laws of the Commonwealth." New Jerſey followed implicitly the example of New-York, as it had almoſt always done. Pennſylvania has made the declaration of rights part of her fundamental conſtitutions. The Delaware State reſerved expreſsly the common and ſtatute law, as they had been formerly adopted and practiſed. Maryland declared, " that her citizens were entitled to the common and ſtatute law of England, which had been uſed and approved, in the province." Virginia, with a zeal which ſhewed more of her enmity than her prudence, directed that the executive powers of government ſhould be exerciſed according to the laws of the Commonwealth, but ſhould under no pretence exerciſe any power or prerogative by virtue of any law, ſtatute or cuſtom of England: Yet, this declaration formed a direction to the Virginian Governors rather than a ſyſtem for the Virginian Judges. And we may preſume that the general web of their juriſprudence had been woven of the warp of common law and woof of ancient ſtatutes. We may infer this from their general reviſal * in 1663, when the aſſembly " endeavoured in all things, as near as the capacity and conſtitution of the country would admit, to adhere to thoſe excellent and often refined laws of

* Laws, p. 1.

of England, to which they acknowledged all reverence and obedience." Yet, the principal Virginians were too prudent to leave it in doubt how far their ancient laws ſhould operate even after the revolt: and the Aſſembly paſſed an act, in 1776, declaring, "that all the laws formerly in force ſhould continue, till abrogated." North Carolina with greater prudence intwined *The Declaration of Rights* about the root of her fundamental conſtitution: And with equal wiſdom enacted expreſsly, in 1777, "that the common and ſtatute law theretofore uſed ſhould continue in force." South Carolina declared, by her original aſſociation, "that all laws then practiſed ſhould remain till repealed." Georgia adopted into her original compact nothing more than *the Habeas Corpus Act:* But, if we may believe, the affirmation of her Chief Juſtice Walton*, "the law of England has been ſtudded into the Georgian ſyſtem." And thus have we found that the *often refined* laws of England have been ſtudded into all the American ſyſtems. The American youth ſtill continue to read Coke upon Lyttelton as their text book; and the experienced practiſer continues under their new forms to quote the various reporters of what has been ſaid and decided in Weſtminſter hall, to which American Judges ſtill pay all the reverence, which is due to the collected wiſdom of those voluminous depoſitaries of civil knowledge and legal

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* Georgia Gazette, 13 May, 1784.

ſcience. And thus the general juriſprudence of England and the United States muſt conſequently be very nearly the ſame, however different the forms of their government may be, or however diſſimilar the tone of their Courts of Juſtice.

Having in this manner eſtabliſhed the general principle, we may properly enquire, how it applies to Britiſh ſubjects, as to impoſing diſabilities, or giving them protection. If the American citizens are aliens in England, Britiſh ſubjects muſt neceſſarily be aliens within the United States. If any government was ever founded in actual compact, the conſtitution of the United States muſt be allowed to have originated from the hallowed ſource of poſitive ſtipulation. But, perſons, who were no parties to the American aſſociations, can never be entitled to the privileges reſulting from the American compacts, to members of them. The people of Europe, who were quiet ſpectators of the ſtruggle for independence, are conſequently aliens to the United States. Much more are Britiſh ſubjects, who oppoſed the formation of thoſe confederacies, aliens to the American governments. And in fact we find the European people conſidered by the legiſlative and judicial powers of the American governments altogether as aliens, who are entitled to none of the immunities of their citizens, ſince they owe them no obedience. And it was the peace, which converted Britiſh ſubjects, who had been alien *enemies*, into alien *friends*. Now, every privilege and protection, which be-

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long to the American citizens, as alien friends, in Britain, equally appertain to Britiſh ſubjects, as alien friends, within the American States, with reſpect to the ſecurity of their perſons, their property, and their reputation; becauſe the laws of both countries are thus ſubſtantially the ſame *. And

* It ought not be concealed, becauſe it militates againſt the doctrines maintained in the text, that Walton, the Chief Juſtice of Georgia, and his aſſociates, determined, ſince the peace, that Perkins, a Britiſh merchant, and alien *friend*, could not ſupport an action of debt againſt a citizen. [Georgia Gazette, 13 May, 1784.] That deciſion ſeems however to have been univerſally reprobated. It may gratify a reaſonable deſire of information to ſee the opinion of Mr. Stirk, the Attorney-General, and Mr. Stephens, another Georgia lawyer, which was taken the 10th of May, 1784, and publiſhed on that ſignal occaſion, in the ſame Gazette:

" The judgment of the Chief Juſtice and his aſſociates, given in Chatham county laſt term, (relative to the privilege of Britiſh merchants, who remained in Savannah after the evacuation, of ſuing the citizens of this State) may be looked upon as laudable, but tranſient characters, *although Britiſh ſubjects*, who have arrived ſince, claim that right from the duties which they pay to the State, over and above thoſe paid by other merchants, who reſide here. Should the fountain of juſtice be ſtopped againſt them, and they prohibited from proſecuting for their lawful demands, all commerce will be annihilated, and the greateſt diſtreſs to the citizens will follow. By the *ſtatute* law of England, *which is alſo in full force in this State*, aliens are allowed under that Government to maintain actions for perſonal chattels. Aliens (even Britiſh ſubjects) in the State of South Carolina are allowed to ſue the citizens and are entitled to a jury *medietate linguæ*, in ſuits againſt them, if they chooſe. There have been even tranſient

And the juriſprudence of both countries giving thus mutual protection to the inhabitants of both, ſeems to preclude the neceſſity of a commercial treaty, which would be leſs reverenced in its ſtipulations, and leſs powerful in its effects; which would be more liable to cavil, and conſequently more apt to produce conteſt.

But, if the eſtabliſhed laws of the two countries in this manner, exclude the neceſſity of a commercial treaty, we may yet inquire, whether it would be advantageous, or uſeful. "It has been "obſerved of this nation, ſaid D'Avenant, in "1698, that we have loſt by treaties, what we had "gained by valour; that we have been conſtantly "outwitted in the ſtipulations we have made with "foreign States and Princes, as well concerning "*intereſt*

tranſient Courts allowed them: And this ſeems to be founded on the privileges aliens are entitled to in all countries, *except where they are particularly prevented.* Aliens may trade as freely as other people, though ſubject to higher duties, and as they are not conſidered as citizens in this State pay duties accordingly."

When the Chief Juſtice had admitted, by his deciſion, *that the laws of England were ſtudded into the Georgian ſyſtem*, he could not, as a logician, or a lawyer, deny the inevitable inference of law: That an alien *friend*, could maintain an action of debt, in the tribunals of Georgia. Little did Mr. Walton reflect, amid the clamours of the times, which ought to have inſpired him with caution, rather than raſhneſs, *that judgments againſt apparent right are conſidered by every law as ſufficient cauſes for granting letters of reprizal.*

" *intereſt* as *dominion:* And it is very evident, that " they who could never face us in the field, " have over-reached us in the cabinet; and all " along we have ſeemed ſtronger in a battle than " in council." The unequal agreements of the Portugal treaty, of 1703, had been a ſufficient juſtification of D'Avenant's remark had not more modern treaties confirmed it. And it is owing to the wailings of impatience, the roar of ignorance, or to the incitements of intereſt, that our ſtateſmen are conſtantly driven from their better purpoſe into improvident compacts, and are often obliged to ſacrifice the real intereſt of their country to their own quiet. This is a degeneracy however, againſt which virtuous reſolution ought always to ſtruggle. And this is a motive for placing the ſubject of commercial treaties in every poſſible light; as ſome of them may catch the eye of inattention, or others of them may detect the dark deſigns of avarice, or of faction.

It is ſurely a previous queſtion of no ſmall moment, whether there at preſent exiſts under the American governments, any power, which can lawfully conclude a commercial treaty. By the ninth article of the American confederations the Congreſs are inveſted with the *ſole* and *excluſive* right, (nine States being repreſented in Congreſs) of entering into treaties and alliances; provided *that no treaty of commerce ſhall be made, whereby the legiſlative power of the reſpective States ſhall be reſtrained, from impoſing ſuch impoſts on foreigners, as their own people*

people pay: or whereby each State ſhall be hindered *from prohibiting the exportation, or importation, of any ſpecies of goods whatever.* Theſe contradictory ſtipulations created however no new abſurdity in the American hiſtory and juriſprudence. We all remember the famous reſolves of their colonial repreſentatives in Aſſembly, during late turbulent times: We the Delegates have the *ſole right* of impoſing taxes on the good people of this province, *with the conſent* of the Upper Houſe, and Governor. By article the 6th, no State, without the conſent of the Congreſs can ſend any embaſſy to, or receive any embaſſy from, any King, Prince, or State, or enter into any conference, agreement, alliance, or treaty with them. In this explicit manner, have the jealouſies of the United States prevented the eſtabliſhment of a competent power under their confederation, for the concluding of commercial agreements. And this inevitable concluſion is amply confirmed by recent experience, which hath ſhewn us the individual States buſily, perhaps factiouſly, employed, in empowering the Congreſs to regulate commerce, for the ſpecial purpoſe of retaliation, or redreſs.

Yet, though armed with all thoſe powers, either general or particular, the Congreſs lately ſat from November 1783 to June 1784, without executing any meaſure of retaliation or redreſs, on the perplexing ſubject of their Weſt India trade. They, on this occaſion, made uſe of their accuſtomed intrigues, to incite the traders to clamour for prohibitions,

bitions, or at leaſt reſtrictions. Meetings of merchants were held in different States, in purſuance of inſtigatory letters, to conſider of means to invigorate the Congreſs, by adding the force of previous aſſent to the noiſe of popular complaint. Yet, fearing perhaps the renewment of non-importation agreements, or regarding more their genuine intereſts, the traders reſolved *in ſecret*: That Britain, when regulating her colonial commerce, had done nothing more than what Spain, Portugal, and France, continued to do; that though they felt an inconvenience from the Weſt India reſtrictions, yet they could not juſtly complain of an injury; and that it would be wiſer to conſider of modes of circumvention than to adopt meaſures of force. In the end the Congreſs did nothing, in order to enable individuals to find means to promote, each his particular intereſt.

The Congreſs however, in May, 1784, entered into certain reſolutions *, by which they probably

 intended

* The Continental Journal of Boſton, dated the 3d of June, 1784, contains the following reſolves and *recommendations* of Congreſs: "That it be recommended to the Legiſlatures of the ſeveral States to veſt the United States, in Congreſs aſſembled, (nine States to be repreſented in Congreſs and aſſenting) *for the term of fifteen years*, with power to prohibit any goods, wares, and merchandizes, from being imported into, or exported from any of the States, in veſſels belonging to, or navigated by the ſubjects of any potentat with whom theſe States ſhall not have formed treaties of commerce; and alſo with the power, during the ſame term, of

intended, to hold up to the eyes of Europe the appearance of their former promptitude and vigour, while their apparent energy concealed the moſt incurable irreſolution and impotence. Like other limited powers the Congreſs eaſily find an excuſe when they feel themſelves unable to act. When they thought proper to delay the forming of any arrangement of garriſons for the weſtern and northern poſts they declared in February laſt the reaſon to be; that *nine States* had been then only repreſented for a few days, nor could that matter be conſidered till *the States become more attentive to keeping up a full repreſentation in Congreſs* *. When they are preſſed by the incapacity of paying either the principal or intereſt of their debts, they very coolly, but *truly*, avow †, that ſome of the States have either refuſed, declined, or modified their recommendation for taxes. Experience ſince the peace, were we to diſregard what happened during the war, ought to convince all reaſonable men how impoſſible it is to procure the aſſent of thirteen democratic aſſemblies, much more of four and twenty

of prohibiting the ſubjects of any foreign Kingdom, or Empire, unleſs authoriſed by treaty, from importing into the United States any goods, wares, or merchandize, which are not the produce or manufacture of the dominions of the Sovereign, whoſe ſubjects they are."—Such is the iſſue of he Congreſs's pregnancy!

* Same Continental Journal.

† By their Budget 1784.

twenty *, to any meaſure which involves the complicated intereſts of all: And the diſſent of one State, like the *veto* of Poland, effectually prevents the ſucceſs of the moſt earneſt recommendations; becauſe the powers given by the reſpective aſſemblies are generally qualified with a proviſo, *that the other aſſemblies likewiſe concur.* And while ſome of the States lately impoſed reſtrictive duties on commerce, Connecticut and New Jerſey *opened free ports*, with a contradictory purpoſe and more certain benefit to themſelves.

But, let us admit, that the Congreſs are already inviſted with all the powers, which they have thus requeſted of the Thirteen States, what character we may aſk, would they exhibit to the eyes of Europe: They would doubtleſs appear to Ruſſia, who has refuſed to enter into treaty with them, and to other powers, who have not yet thought it neceſſary, or found it convenient, to form any commercial compacts, as a bully, who with a pen in one hand, and a ſword in the other, declares: *You ſhall treat, or you ſhall not trade.* But the coward alone ſubmits to the uplifted cudgel: And the people, who allow their opponent to write the terms of peace, or of commerce, while the ſword is brandiſhed over the tablet, confeſs to the world, that they are in the laſt ſtage of decline. To thoſe however,

* Which number includes Vermont and the ten States, that have been lately eſtabliſhed in the vaſt country, which is bounded by the Ohio, the Miſſiſippi, and the Lakes.

however, who know the Congreſs the beſt, that famous aſſembly, in the character, which they have thus choſen to aſſume for themſelves, will more likely appear to reſemble the boy, who was humorouſly exhibited by Reynolds, in the dreſs and figure of Harry VIII. and who impreſſed the mind with the idea of a perſonage of *great bulk* with *little force.*

The agents of Congreſs ſometimes act, as if they thought the world were ignorant of their affairs, and were unacquainted with their juriſprudence. This truth we might even collect from thoſe clauſes of the French and Dutch treaties, which ſtipulate ſeveral benefits in favour of the United States, without any other equivalent than the protection of laws, which cannot be denied to alien friends. The French however are now fully informed of their habits and laws, as we may learn from the following anecdote. In order to gain from Monſ. De Vergennes an extenſion of commerce, or additional guarantees, the Congreſs agents flattered lately, and ſometimes ſoothed, and at length attempted to bully the great Miniſter of a powerful nation: Why, Gentlemen, ſaid Monſ. de Vergennes contemptuouſly, you talk, as if you thought I were unacquainted with your powers and with the inability of your Congreſs to grant ampler one's; or as if I knew not, that the treaty, which I have already made with you, will be no longer kept, than the Congreſs ſtands in need of his Majeſty's bounty, or than the individual States find an intereſt

tereſt in fulfilling * it." Without the ſagacity of De Vergennes we may infer indeed, from the terms of the confederation, that every aſſembly poſſeſſes a reſerved right to impoſe as high cuſtoms on foreigners, as ſhall at any time be paid by their own people, notwithſtanding any treaty; and that every ſtate may prohibit the import, or reſtrain their export, of any goods, even contrary to the moſt common ſtipulations, which can be made by the general Congreſs. So inconſiſtent is the exerciſe, or even exiſtence, of two ſovereign powers, much more *thirteen*, or *four and twenty* ſovereign powers, at one and the ſame time, within the ſame empire. While the Congreſs can neither impoſe taxes, nor regulate trade, they ought to be regarded as a body of men, with whom it is illuſory and idle to think of forming a commercial treaty.

* The reſult of the negotiation mentioned in the text, was given to the world in the following extract of a letter, which was dated from Paris, the 2d of Auguſt, 1784, and ſoon after publiſhed in the Gazettes. "The treaty which the American Congreſs had attempted to negotiate with France, relative to the new guarantee is at a ſtand. France probably foreſees, that the Americans will make but bad allies, as they muſt be perpetual hangers on. The United States being now unanimouſly declared independent, and detached from the Engliſh Government; the French have had their ends, and do not ſeem deſirous to ſeek further."—If France ſhall at laſt be found to have only cut the chain, which linked thirteen ponderous bodies about the ſhoulders of this nation, ſhe ſhall in the end have no great cauſe for triumph.

If

If the faithful performance of a ſolemn Treaty is an object of any conſequence to a great nation, jealous of the honour of ſovereignty, it muſt be ſurely of uſe to inquire minutely, how the late treaty with the Congreſs has been executed, before we enter into any new one. The Articles of Peace, which were concluded with the United States, on the 30th of November, 1782, were denominated *Proviſional*, becauſe it was agreed that they ſhould not conſtitute *a Treaty*, till terms of peace were agreed on between Great Britain and France. When the French Treaty was ſoon after ſettled, the Articles that had been thus Proviſional, became at once obligatory; and formed conſequently the rules of conduct for the Contracting Powers. It was in conformity to this reaſoning, that the French Preliminary Treaty was formally publiſhed, when it arrived at Philadelphia on the 24th of March, 1783, as the Proviſional Articles had been announced to the American world by Congreſs, twelve days before: It was in conformity to the foregoing reaſoning, that the Congreſs proclaimed a ceſſation of arms on the 11th of April, 1783; when hoſtilities immediately ceaſed and the priſoners were not long after diſcharged. And the general poſition, That the Proviſional Articles bound the Congreſs from the day on which they received them, and bound the citizens of the United States from the moment thoſe Articles were made known to them, is conformable to the law of nations and is confirmed by the practice of the civilized world." "A Treaty

" of Peace, ſays Vattel, binds the contracting " parties from the moment of its concluſion, un- " leſs it is otherwiſe ſtipulated. When no term " is aſſigned for the accompliſhment of the Treaty, " common ſenſe dictates, that every point ſhould " be executed as ſoon as poſſible. And the faith " of Treaties equally excludes from the execution " of them all neglect, all dilatorineſs, and all de- " liberate delays."

The recommendations, which had been ſtipulated to be *earneſtly made* by Congreſs: and which ought conſequently to have been iſſued with all *convenient ſpeed*, were ſtudiouſly delayed, notwithſtanding the dictates of the law of nations, and the requeſts of the Britiſh Commander of the American army*. The violences, which ſucceeded the ceſſation of arms, even prevented the evacuation of New York, as had been agreed by Treaty. And the perſecution, which enſued againſt the unfortunate ſup-

* Sir Guy Carleton wrote the Congreſs a letter, on the 17th of Auguſt, 1783; wherein he informed them, that he had received orders to evacuate New York; but, that the violence which had broke out immediately after the ceſſation of arms had retarded that meaſure: And he expreſſed his concern, "That the Congreſs had thought proper to ſuſpend to this *late hour* the recommendations ſtipulated by the Treaty, in the punctual performance of which the King and his Miniſters have expreſſed ſuch entire confidence." The Congreſs never took any notice of this letter, or of ſeveral others to the ſame purpoſe; becauſe it was impoſſible to anſwer incontrovertible facts, whence inevitable inferences had been drawn.

ſupporters of the Britiſh Government, ought to be blotted from the page of hiſtory, were it not neceſſary for the inſtruction of mankind, to preſerve examples of human depravity and of human follies, againſt the prevelance of which, the reaſon and religion of men ought always to ſtruggle. Yet, to determine with regard to the conduct of any State, from the tumultuous irregularities of the populace, who are eaſily agitated though not eaſily calmed, would be as unfair as it would be undignified. It is from authoritative acts alone that we ought to form opinions of the proceedings, either legal or illegal, of any Government. And it might be minutely ſhewn, were it now either uſeful or pleaſant, that every American State continued to act authoritatively, from the 12th of March, 1783, when the Proviſional Articles were formally publiſhed, till the 14th of January, 1784*, when the Definitive Treaty was earneſtly recommended by Congreſs, with regard to the unhappy objects of the promiſed recommendations, as if ſafety and reſtitution had not been ſolemnly ſtipulated for them. In the ſame manner they even now continue to act.

* The packet from Falmouth conveyed the Definitive Treaty to New York, on the 1ſt of November, 1783. On the 5th the Congreſs adjourned from Prince-town to Annapolis; where Mr. Mifflin, the Preſident, arrived on the 3d of December. Thaxter, the Secretary of Mr. Adams, brought *the Treaty* on the 26th of November, which was publiſhed by Congreſs on the 11th of December, 1783. Dates are of great importance, when we are enquiring with regard to the performance of Treaties.

Complete peace was ſurely eſtabliſhed on the 14th of January, 1784, when the Congreſs ratified the Definitive Treaty, if it did not, in fact, and in law, exiſt before *. And we may now pertinently aſk, if the American States have honeſtly executed the ſolemn ſtipulations of a Treaty, from which they derived, *as the valuable conſiderations of it*, peace, liberty and ſafety. From the annunciations of their own Gazettes, we may learn indeed, that ſome of the States continued to expel thoſe objects of perſecution and neglect, who had a right given them by the Treaty to ſolicit their affairs, as if they could not reſide as alien *friends*, under the municipal law of the Commonwealth; and that all of thoſe Governments have continued to diſpoſe of the confiſcated property, which they had ſolemnly engaged to reſtore. It may be added as a fact, as true as it will be memorable in their annals, that not one of the American Aſſemblies have complied with the recommendation of Congreſs—"To reſtore men's rights and eſtates, as ſtipulated; and to reviſe the acts of confiſcation, ſo as to make

 them

* The Negotiators of Congreſs informed that body by their letter dated the 18th of July, 1783, which was publiſhed in the Pennſylvania Independent Gazetteer, of the 24th of April, 1784: That the clauſe of the Treaty, which ſtipulates that there ſhall be no future confiſcations; ought to relate to the time of the ceſſation of arms; as the *Definitive Treaty ought to be conſidered, as only giving dreſs and form to the foregoing contracts, and not as conſtituting the obligation of them.*

them conſiſtent with the rules of juſtice, and the ſpirit of reconcilement."

We ſhall be enabled to judge of the truth o theſe broad poſitions, by a very ſhort diſcuſſion. It is a peace-making principle of the law of nations, that every treaty of peace, unleſs there be poſitiv proviſions to the contrary, extinguiſhes virtually all wrongs, which had been done during the previous war, ſo that they ſhall not be deemed cauſes of future diſpute. Yet, the American Legiſlatures* ſeem all to have directed, even after the re-eſtabliſhment of amity, that accounts ſhall be taken of devaſtations committed by the Britiſh army, during the courſe of ſeven years hoſtilities. With whatever view this Legiſlative direction was given, the principle whence it proceeded, is undoubtedly hoſtile. And it was cautious, though unneceſſary in our negotiators, to ſtipulate expreſsly by the American Treaty, that no proſecutions ſhall be commenced in future againſt perſons, for the part they had taken in the war, or on that accoun ſuffer any future damage. Yet, contrary to this ſanction, the Government of New-York have empowered their citizens by a law, denominated in their juriſprudence, *the Treſpaſs Act*, to ſue any perſons

* Virginia act, October, 1783, ch. 10. "For continuing an act to aſcertain the loſſes and injuries ſuſtained from the depredations of the enemy within this State." The peaceful Pennſylvania took the lead in this hoſtile meaſure. And Carolina, Georgia, and others followed the example of both.

perſons for injuries done to property, during the war, and to ſubject any one who, while the Britiſh army garriſoned New-York, had reſided in any houſe only for a day to the rent for ſeven years. This in the energetic language of Phocion *, was *to enact a civil war:* And ſome perſons have actually been impriſoned, under the authority of this law, and others have been obliged to flee. With a ſimilar ſpirit the government of South Carolina ſet aſide, ſince the peace, the deciſions of the Court of Police, which had been erected, while Charles Town was occupied by Britiſh troops; and Britiſh ſubjects who had purchaſed property under its deciſions or had appealed to its equity, have been condemned in damages, and have been either impriſoned, or forced to abandon their families and affairs; though by the laws of war the conqueſt of the country carries with it the peaceful right of governing the people, by proper judicatories.

In the ſame ſpirit the aſſembly of South Carolina paſſed an act, in purſuance of the recommendation of Congreſs, and the requeſts of the Governor, for reſtoring out of about ſix hundred † confiſcated eſtates, one hundred and twenty-four, on ſpecific

 conditions.

* The title of two able defences of the treaty, which have been publiſhed, in oppoſition to the ſpirit of the times, by the late Secretary of General Waſhington, Colonel Hamilton; a gentleman, whoſe pen is as powerful as his ſword.

† The Jackſonborough act of 1782, attainted about two hundred perſons by name, and upwards of four hundred more by deſcription.

conditions. Yet, let us attend to two only of the moſt eſſential ones: 1ſt. It is directed by the act as a *previous* condition, " That the parties, their attornies or agents, ſhould make a true return upon oath of their eſtates, real and perſonal, in order that the commiſſioners ſhould cauſe aſſeſſment of twelve *per cent.* on the real value of ſuch eſtates to be paid *in ſpecie*, before the firſt day of March, 1784, with an addition of two *per cent.* to the Commiſſioners of Confiſcation: 2dly, The law gave to the purchaſers of confiſcated property an option to relinquiſh or retain it, and in this laſt caſe the owner is only allowed to receive in ſatisfaction the ſecurities, that had been given in payment by buyers, or *indents*, a ſpecies of paper money, which, with the uſual fate of American paper, had already been depreciated four-fifths of its original value. In this manner were the parties obliged to pay before the firſt of March fourteen in the hundred of the genuine value of their eſtates in *real* money; yet to receive in ſatisfaction *fictitious* money at a future day. And in this manner did the Aſſembly of South Carolina fulfil * the treaty and regard

* That there was no real purpoſe to execute the treaty, or to comply with the Congreſs, may be indeed inferred, from the public notice, which the Commiſſioners gave in April laſt, purſuant to an ordinance of Aſſembly, dated the 26th of March, 1784, for amending and explaining the Confiſcation Act. The State Gazette gave notice " to all purchaſers of confiſcated property, where titles have *not been already made*, to apply for ſuch titles and give the neceſſary ſecurity, on or before

regard the recommendations of Congreſs, which admitted not of partial modifications, ſince all had been agreed to be reſtored. Well may the perſons, who have been thus inſidiouſly reſtored, exclaim:

> And be theſe juggling fiends no more believed,
> That palter with us in a double ſenſe,
> That keep the word of promiſe to our ear,
> And break it to our hope.

With an analogous ſpirit Maſſachuſetts has in a great meaſure followed the example of South Carolina, "*by making diſtinctions of a ſimilar* nature." The aſſembly of March, 1784, recited*, 1ſt; "That whereas by the ſixth article of the treaty made between the United States and Great Britain it is provided, that nó further confiſcations ſhall be made:" It is therefore enacted, 2dly; that the lands which any of the perſons aforementioned held in fee ſimple, or by a leſſer eſtate, on the 19th day of April, 1775, and *have not* by the act entitled, "An act to confiſcate the eſtates of certain notorious conſpirators againſt the government and liberties of the inhabitants of the late province, now State of Maſſachuſetts-Bay;" or who by judgment had on due proceſs of law on ſuch eſtates

before the 26th day of May next, (1784,) otherwiſe ſuch property *will again be ſold at public ſale*, and the former purchaſers made liable to all expences."

* The act was publiſhed in the Boſton Independent Chronicle of the 1ſt of April, 1784.

eſtates been confiſcated, nor have been pledged by government for money borrowed, or ſold by Agents according to the laws of the State for the payment of debts, due from abſentees, or have been made liable to pay any annual charge for the ſupport of any poor perſon, ſhall be delivered up to the parties, who reſpectively owned ſuch lands laſt before the 19th of April, 1775; or to any perſon claiming under them reſpectively; provided ſuch claimants are not included in the act aforeſaid, made in the year 1778, who ſhall have the privilege of diſpoſing of the ſame within the ſpace of three years." The words of the law were given, to enable every one to judge for himſelf. A large body of men, who were deemed to hold principles and poſſeſs diſpoſitions incompatible with the ſafety of the Commonwealth, were by the ſame law excluded from returning to Maſſachuſetts: A leſs obnoxious claſs was allowed to reſide upon obtaining a licence from the Governor, which was to continue no longer in force than till the meeting of the next aſſembly.

Yet, the treaty ſtipulated, for the reſtoration of *all confiſcated rights*; and for the admiſſion even of thoſe who had borne arms againſt the States, to ſolicit reſtitution; and for a reviſion of ſuch acts of aſſembly as prevented reconcilement: The treaty expreſsly provided, moreover that *there ſhall be no future confiſcations*; and that no perſon ſhall ſuffer future damage for the part which he acted during the war. It was ſurely a commendable rule of the old

old-fashioned writers on the law of nations, that plain words shall be construed according to their usual import and that just agreements shall be executed according to the obvious meaning of the Contracting Powers. But, to exclude men, who ought by the treaty to be admitted; to deny restitution of those rights, which were to be restored to former owners; and to add additional penalties to laws, which were to be made more consistent with justice; all these are the novel constructions, which our fashionable Philosophers recommend to be given to our American treaty. *Confiscation*, says Bacon, *is the act of transferring the forfeited goods of criminals to public use.* The Legislative declaration then prescribed merely the mode: The sale of the confiscated property and the application of the price to the service of the State formed the real transfer of the goods to the public use, much more than the law. To provide by treaty, that no additional modes should be enacted, at an epoch, when there remained no persons, or things, whereon subsequent laws could work, was surely no reasonable act. The express stipulation, that there should be no future confiscation ought to be therefore construed, since it was certainly meant, to signify no future appropriation of the forfeited property, and every detention ought to be deemed a new transfer of the things to be restored from the obnoxious individual to the more delinquent state.

If candour is as laudable as a virtue, as chicanery is despicable as a vice, the avowed con

duct

duct of New York muſt be much more approved, than the pretended compliance of South Carolina and Maſſachuſetts, or even than the contemptuous ſilence of other States. They have all refuſed virtually: But, to deny bluntly is at leaſt more manly than to feign a fulfilment which is not meant.—After two months conſideration, the New York aſſembly reſolved, on the 30th of March, 1784: "That, as on the one hand, the rules of Juſtice do not require, ſo on the other hand the public tranquility will not admit, that ſuch adherents, who have been attainted ſhould be reſtored to the rights of citizenſhip, and that there can be no reaſon for reſtoring property, which has been confiſcated, *as no compenſation is offered on the part of Great Britain, for the damages ſuſtained by this State from the devaſtations of the war:* And that, while the legiſlature entertain the higheſt ſenſe of national honour and the ſanction of treaties and of the deference, which is due to the advice of the United States in Congreſs, they find it inconſiſtent with their duty to comply with the recommendation of the ſaid United States, on the ſubject of the 5th article of the Definitive Treaty; Therefore reſolved by both houſes, that the Governor be deſired to tranſmit theſe reſolutions to Congreſs." This is a language, which cannot be made plainer by commentaries.*

While

* The New York Aſſembly, in purſuance of their principle, paſſed an act on the 12th of May, 1784,—"*for the ſpeedy ſale of the forfeited eſtates:*" And the commiſſioners of

While this intemperate ſpirit reigns in the American legiſlatures, we are apologetically told, *that many refugees have been reſtored in different parts of America.*

It is admitted, that a few perſons may have been reſtored to ſome of their rights, becauſe having been moved by conſideration of age, of ſex, or infirmities, they had committed no greater crime againſt the Commonwealths, than that of deſerting them, when danger approached. But, theſe are not the faithful ſubjects who were prompted, by their ſpirit, to face tumult and bloodſhed; and who were engaged, by their loyalty, to riſque their perſons and property by drawing their ſwords, in ſupport of the rights of Britain. And theſe laſt are the men, whom we have ſeen expelled, and excluded, and deſtroyed, by every mode of perſecution, contrary to the moſt ſolemn treaty, in the face of the world *.

of confiſcation advertized on the 4th of June, 1784, various confiſcated eſtates for ſale at a future day. [New York Journal, of 1ſt July, 1784.]

* Several of thoſe loyal perſons, who have returned to the United States, ſince the peace, were arreſted by American creditors, though their property and credits had been taken away by the State. Other loyal perſons, who remain in Britain, are ſued by the American creditors here, though the confiſcated effects had been appropriated to the payment of American debts, and they are diſqualified from ſuing their debtors in the American courts. Thus, were the friends of Britain thrown into the bed of Procruſtes.

The mind is naturally led to compare times, either happy, or diſaſtrous, which ſeem nearly alike in their political features. King William had ſcarcely atchieved the Revolution, when the perſecuted Proteſtants of France looked for ſhelter in England, in conſiderable numbers, and found it. In the fate of unhappy ſtrangers, who ran thus under the wings of England, the Parliament intereſted themſelves, and thereby gained for England the celebration of the world, by bountifully ſupplying their needs amid greater embarraſſments of war, and finance, than have occurred at any time ſince. The Iriſh nobility and gentry, who were attached to England, and ſupported the Revolution, were attainted by the Iriſh Parliament of the abdicated monarch, equally ſought protection at that æra from England, which was ſtill more amply given by Parliament, ſince their claims were ſtronger.

Three thouſand five hundred French refugees, aſked the charity of the nation; and received £. 15,000 a year, during King William's reign:* On the other hand, the Iriſh loyaliſts, claimed from the juſtice of parliament, and from its equity received not only immediate aid, but ultimate compenſation.†

The

* Com. Journal, 10 v. p. 116. Hiſt. of Debts, part ii. p. 1.

† Com. Journal, 10 v. p. 204—12—217—29. Vol. 13, p. 291—3. Vol. 15, p. 36—48—68—344.

The French were *refugees:* The Iriſh were *loyaliſts.* But, in what a more favourable light, ought every friend of the Britiſh empire to regard thoſe meritorious ſubjects, who far from ſhrinking from danger, amidſt the late troubles, or concealing their ſentiments, ſupported the rights of the Engliſh Government, with their property, their talents, and their arms; and have thereby incurred the forfeiture of their eſtates, and remain ſtill in baniſhment without hope of reſtoration; as the American aſſemblies have totally diſregarded both the treaty and the recommendations of Congreſs.

Yet, ſtrong as their claim is from the irmerits and ſufferings, it is greatly ſtrengthened by the ſolemn promiſe of the King and Parliament. Their natural inclination was ſtrengthened by the Parliamentary reſolutions of 1766 *. Their ardour was incited by the Secretary of State's private inſtructions; whereby Governors were exhorted, *to offer every encouragement to thoſe, who appeared in principle adverſe* to the proceedings of the malcontents. Their apprehenſions amid dangers were removed, by the Royal proclamations of Auguſt, 1775; which gave aſſurances, "*that none* ought to *doubt the protection, which the law will afford to their loyalty and zeal.*" And after all theſe previous incitements they were called forth into action, by the mani-

* Com. Journ. 50 vol. page 603. Wherein we may ſee the Commons reſolve: "*That thoſe loyal ſubjects, who had aſſiſted in carrying the Acts of Parliament into execution, are entitled to the protection and favour of that Houſe.*"

feſto of the Royal Commiſſioners, in June, 1776, which declared, " That due conſideration ſhall be had to the meritorious ſervices of all perſons, who ſhall aſſiſt in reſtoring the public tranquility, and that *every ſuitable encouragement ſhall be given to thoſe who ſhall promote the re-eſtabliſhment of legal government.*" And in this manner was the faith of the King and Parliament pledged, and the pride of the people engaged in the face of the world, to grant honeſt recompence to American *loyaliſts*, as ſoon as—" diligent and impartial enquiry"—ſhall have eſtabliſhed the truth of each particular claim.—Yet, candour ought frankly to confeſs, That it was not to have been expected of men, who had given mutual wounds and received mutual injuries, that they would ſoon forgive or forget one another. And from this active principle of human nature, wiſe men early inferred, what experience hath recently proved, that the treaty, in reſpect to the recovery of confiſcations, would never be executed. Governments, at leaſt ancient ones, have learned to ſuppreſs paſſion, which would diſable them from diſcharging ſuch eſſential duties, as the reſtraining of the reſentments of individuals, and the granting of univerſal right. In this conſiderate ſpirit Great Britain has acted ſince the epoch of independence, with reſpect to the United States. What returns the American Government have made in thoſe cooler caſes, wherein their ſenſe of injury did not lead their Legiſlatures aſtray, it is now proper to aſk.

The

The treaty of peace (as we all know) expreſsly ſtipulated, *that there ſhould be no lawful impediment to the recovery of debts, on either ſide.* It required, as it is ſaid, no ſmall addreſs and perſeverance to procure this ſalutary ſtipulation from a people, who have never been famous for facilitating the payment of debts. And the time is now come, when we ought to inquire how they have performed it. In Georgia, the Chief Juſtice, with his aſſociates, determined (as hath been already ſhewn) that a Britiſh Merchant, being an alien *friend*, could not maintain an action for debt, though they had pronounced, with the ſame breath, *that the laws of England had been ſtudded into the Georgian ſyſtem.* The South Carolina Aſſembly with a bolder ſpirit paſſed an act, on the 16th of March, 1784; for preventing the commencement of ſuits for debts contracted by any citizen previous to February, 1782; and for poſtponing ultimate payment by ſeveral liquidations till January, 1789. Urged perhaps by the ſame neceſſities the North Carolina Aſſembly paſſed an act, in May, 1783, to prevent the recovery of debts theretofore contracted, till after the expiration of a year. Equally neceſſitous, but perhaps more confident, the Virginian Aſſembly paſſed an act, even after they had received the Definitive Treaty, "to ſuſpend the iſſuing of executions for four months from December, 1783, and to the end of the ſubſequent Aſſembly." The American Legiſlatures, who may have concurred with theſe States, in ſimilar meaſures, may equally plead,

that

that the neceſſity, which drives, defends. Whether Grotius or Puffendorf, Burlamaqui or Vattel, would have admitted this juſtification, for an evident breach of a poſitive treaty, is a queſtion, which it is not at preſent worth while to aſk. Colonel Hamilton, the Confidential Secretary of their own Waſhington, has told the American citizens, with a loud voice, on the authority of ſome of theſe juriſts: "That the wilful infraction of a ſingle article annuls the whole, ſince every clauſe muſt ſtand, or fall together. If Britain ſhould regard the treaty as broken,—can we renew the war? We know; and all the world knows, it is out of our power.—There is a certain evil attends our intemperance, namely, a loſs of character in Europe: For our Miniſters write, that our conduct hitherto, in this reſpect, has done us infinite injury; and has exhibited us in the light of a people, deſtitute of government, on whoſe engagements of courſe no dependence can be placed *."

We have been thus led round a circle of large circumference, in order to come at the general reſult, which has been in this manner drawn by Phocion. And it muſt now be admitted, that there ought to be a ſtrong neceſſity, or a very apparent uſe, to juſtify the meaſure, of entering into

* See the two pamphlets of Phocion; which were expreſsly written by an able pen to give efficacy to the recommendations of Congreſs.

into a new treaty with States, who have not even by their own acknowledgments, performed the old. Of the exiſtence of that neceſſity, or of that uſe it may be proper to make a few remarks. The ſtipulation, which expreſsly promiſed, that there ſhould be no lawful impediment to the recovery of debts, has been attended, as we have ſeen, with no great effect, in the practice of merchants. Wiſe men, who had ſeen, during every age, the ſame neceſſities prevailing in the Colonies, whoſe Legiſlatures threw in ſimilar obſtructions to the recovery of debts, have been heard to obſerve: That the only point of commercial policy, which had the ſemblance of utility, would be an effectual proviſion for the ſpeedy liquidation of debts, which muſt always be due from the American States to Britain. And doubtleſs a ſtipulation of this kind (if we had any ſecurity for its performance) would be of great importance to a commercial people, who have never ſet any bounds to the number, or length of the credits, which they have always given to thoſe diſtant cuſtomers. In confirmation of that remark it has been moreover mentioned, as the greateſt infelicity, which perhaps has reſulted to Britain from the independence of her colonies, that it had virtually repealed the ſtatute *; which enabled Britiſh merchants to prove their debts before any Mayor of any corporation, and ſubjected all property to the payment of all debts.

The

* 5 Geo. II. ch. 7.

The obſervation is in ſome meaſure juſt: But the inference cannot be admitted in all its extent. It has been eſtabliſhed as a foundation, whereon much may be built, that the United States had wiſely eſtabliſhed it as a rule for the government of their courts of juſtice, *to regard all laws of England therefore uſed and approved, as ſtill in force.* But, the ſtatute of George II. beforementioned, had been long uſed and approved. And unleſs the Judges, in the abſurd ſpirit of Walton, the Georgian Chief-juſtice, do violence to their own ſyſtem, that law muſt be allowed in every tribunal; not from the vigour of the Britiſh Legiſlature, but from the wiſdom of their own adoption. The eſtabliſhment of this inference, however, and the introduction of a convenient practice under it, muſt ultimately depend on the temper of the Judges and the approbation of the people. The American lawyers before they admit, or reject, a conſtruction, which muſt prove beneficial to both countries, would do well to remember, that the Courts of Weſtminſter-hall have been lately empowered, by the Legiſlature, to facilitate the ſuitors and to give ſcope to juſtice, by ſending commiſſions to every corner of the earth, to examine evidences and to procure proofs. Great-Britain and the United States, from their mutual dealings, are equally intereſted in this great improvement of juridical forms, becauſe it may often be equally convenient to bring teſtimony from America to Britain, as to ſend proofs from this country to that.

And

And thus may the apprehenſions of merchants be calmed on the intereſting enquiry, how their American debts are now to be aſcertained.

Were an intelligent perſon deſired to ſketch a Commercial Treaty with the United States, having ſome regard to the foregoing conſiderations, he would probably find himſelf extremely perplexed to diſcover or to create ſtipulations, which lead to any uſe, or which are dictated by any neceſſity. Such a perſon would probably recollect, that it is ſome neceſſity or ſome uſefulneſs, which ought to form the baſis of all commercial treaties: That every nation, having a right to judge of that uſefulneſs and of that neceſſity, may approve or reject the equivalents, which had been offered for requeſted immunities, without giving cauſe of offence, or reaſon for explanation: And that to eſtabliſh again by Treaty what had been formerly eſtabliſhed by law is no reaſonable action; any more than it would be a wiſe meaſure to make a new act of Parliament in a caſe where an old one already exiſted; which abſtracted from its legiſlative indecency, always creates doubts and introduces difficulties, that did not exiſt before. Were ſuch a perſon afraid of the ridicule, which generally attends thoſe, who gravely propoſe to do that which had already been effectually done, he would probably be induced by his fears, however he might be governed by his prudence, to conſider, whether the laws have not more amply provided for the eaſe and freedom of the American trade, than the Treaties, which the United States have concluded with Holland and

France. And when he turned his attention to the actual ſtate of the commerce between Great-Britain and the American States, as it has been lately regulated, on liberal principles, he would perhaps diſcover little to amend, and conſequently little to propoſe, as the foundation of a ſupplemental treaty.

He to whom ſhall be aſſigned the difficult taſk of making a Commercial Treaty with the United States will find his chief embarraſsments to ariſe from the regulation of the exports from that country to Britain. He will ſee they have been already allowed the free importation, even in their own ſhips*, of all their *unmanufactured* products, which includes almoſt all their ſurpluſes, on paying the ſame duties as are paid on ſuch commodities when brought in Britiſh ſhips from the Britiſh Plantations. Their naval ſtores and their lumber are peculiarly exempted from duties; And they are allowed the ſole ſupply of tobacco on terms of the greateſt facility. But, the United States, it ſeems, are not content: They deſire to ſend all their commodities to Britain, the productions of their fiſhery as well as the produce of their agriculture; ſince they lay no reſtraint on the importation of Britiſh manufactures, which thus, they argue, find a prodigious vent. Yet, both parties will do well to remember, that it is mutual convenience more than fancied reciprocity, which ought to form the baſis of all commercial treaties.

Our

* The act 24 Geo. 3. ch. 16. did not repeal the alien duties, as to goods brought in *foreign* ſhips.

Our ſuppoſed Negotiator may be thence led to enquire how ſuch a propoſal, were it carried into effect, would affect our induſtrious claſſes, who all merit protection, but ſome of them particular favour. Such of them as contribute to our defence in war deſerve greater attention from the State, than thoſe who augment our opulence in peace. Whence, we ought to rank our induſtrious people in the following order of merit: The ſailors are the men who deſerve moſt of our care, becauſe they are the great protectors of every other claſs, in the enjoyment of their freedom from the attacks of the foe. The next in order, and ſecond in merit, are our ſhipwrights and other artificers, who are connected with the outfit of ſhips, becauſe they are the builders of our *wooden walls*, and without them even the gallant efforts of the ſailors are vain.—The farmers ſtand third in rank, if not the firſt, becauſe they furniſh every other claſs with food. And the workers in wool, whoſe peculiar intereſts have been too often preferred to the general good, can only be ranked in the fourth place. If convenience then be the rule of diſapprobation, or aſſent, in forming treaties of commerce, it can never be right to admit the oil and fiſh of New England, becauſe her citizens conſume many of the manufactures of wool, ſince this meaſure would ſacrifice the intereſt of the two moſt meritorious claſſes to the gratification of the fourth. But, let us for the accommodation of argument ſuppoſe, that the New-Englanders offered to diſregard their

agreements with Holland and France, and to admit *exclusively* the woollen manufactures of Britain, it may be asked, would such a monopoly be for the real interest of Britain, were it truly carried into effect? We shall best answer this interesting question, by asking several other questions. Do not the Memoirs of Wool in this Island evince, that the manufacturers of wool have too often tyrannized over every other class, and even dictated to the Legislature; that they have often disturbed the public repose by their clamours, and sometimes broken the peace by their tumults? * Did not these disorders proceed from the previous impolicy, of vesting too much capital in one branch of business, and employing too many hands in one kind of manufacture; whereby the same evil was introduced into the community, as if a wen were on purpose created on the body natural, which might begin with mortification and end with death. In this view of the subject would it be for the real advantage of Britain, were the whole world to give her the *exclusive privilege* of supplying it with the fabricks of wool? was it not prudent in the Legislature to encourage the weavers of silk, of cotton, and linen, as competitors to the weavers of wool, with the wise design to *draw gradually hands from a superabundant class* to employments of a somewhat different kind, whose numbers should not be so great as upon any want of occupation to lead

* See Smith's excellent Memoirs of Wool throughout.

lead to groundleſs alarm and even to dangerous tumult. May we not thence infer it to be the duty of wiſe Legiſlators to keep up continually an exact balance among the induſtrious claſſes of a commercial and naval nation, ſo that none of them ſhall have too many hands or any of them too few. Would not the ſuppoſed New England propoſal counteract this ſalutary policy, and neceſſarily tend to introduce an evil rather than a good? And thus have we diſcuſſed in a paragraph a difficult ſubject of political œconomy, which ought indeed to occupy a volume.

But however free and advantageous the commerce may be between Great Britain and the United States, the rights of trade between the two mother countries gives no pretence for traffic with colonies, if we may rely on the weighty deciſion of Monteſquieu, or the ſtill weightier dictates of common ſenſe. Like the ſyſtem of other European powers the laws of Great Britain forbade all foreigners to trade with our tranſatlantic ſettlements: Our Government relaxed the rigour of thoſe laws, in kindneſs to our Colonies and favour to the American States. Yet the proclamation of the 2d of July, 1783, is ſaid *to have come upon both as a thunder clap*. And the moment of ſurpriſe had no ſooner paſſed away with the cloud, than modes of circumvention, and even meaſures of recal were purſued with the ardour of men, who are urged at once by faction and intereſt. The arts which had produced the Colonial revolt were naturally adopted.

adopted. And inſtigatory letters were written to the United States as well as to the Weſt-Indies, to join in concerted clamour and to adopt various meaſures to gain their different ends. But, intrigues, which have been detected and expoſed, are no longer dangerous. And the admiſſion of the American veſſels into the Weſt India ports muſt be gained by treaty, ſince the force of threats have failed.

It is now time to aſk what are the equivalents which they offer for the boon that they beg; as in every operation of commerce ſomething muſt be given for ſomething. The American States have precluded themſelves, by treaty, from granting to Britain any peculiar facility in trade. It has been ſuggeſted rather than ſhewn, that the grant of any excluſive ſupply of any of the manufactures of Britain would be hurtful rather than beneficial to her genuine intereſts; would be an evil rather than a good. But, we offer you large markets for your manufactures, ſay the American States: We give you large credits, ſays Britain; Britiſh traders furniſh you with capital, in proportion to the debts you detain from them; and they open moreover an extenſive ſale for all your unmanufactured products. Are we not cuſtomers to your tradeſmen for the annual amount of three million, nay of ſix million, of ſterling pounds, ſubjoin the American States: The queſtion is not, Britain replies, whether you are a *great* cuſtomer, but whether you are a *good* one: Britiſh merchants have

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ſenſe enough to know, that they grow rich by ſuppling not *one great* cuſtomer, but *many ſmall* one's: Britiſh Stateſmen ſee clearly enough, that neither the intereſt nor ſafety of a manufacturing country can ever conſiſt in trafficking with one community to ſo vaſt an extent, that any accidental failure, or purpoſed non-importation, would occaſion outcries and convulſions; whereby one of the greateſt of nations might be ſubjected diſgracefully to her cuſtomers and debtors.

It muſt afford conſolation to every honeſt mind to be informed, that, in the preſent ſtate of American trade, it is plainly impoſſible for the American States to take any legiſlative ſtep, without promoting the commercial intereſt of Britain. Were they to ſtop the whole of their exports to the Britiſh Weſt Indies, they would thereby give a bounty to Canada, Nova Scotia, and Newfoundland; and they would by this means force Britain into that ſyſtem of ſupply and navigation, which ſhe is prevented from adopting ſpontaneouſly, by the prejudices of the many, rather than by the reaſonings of the few. Were the United States to impoſe taxes on the import of Britiſh manufactures, this ſtep would equally lead to the real advantage of Britain: If the taxed articles ſhould be neceſſaries the American conſumer would pay the duty: If they ſhould be only luxuries, which the American citizen would do well not to conſume, Britain ought not in prudence to ſend the goods that cannot be ſpeedily paid for. If the Congreſs

ſhould

ſhould be even enabled to go the full length of enacting, *that the State, which will not treat, ſhall not trade*, the intereſt of Britain would equally be promoted: For, to the amount of the neceſſaries, the merchants of Britain would continue to ſend, as they ſent them during the war, by Flanders, by Holland, or by France; whoſe wealthier and more punctual traders would become our paymaſters, who are more under our eye: And to tranſmit the United States greater cargoes of ſuch luxuries as they do not want and cannot poſſibly pay for, can be juſtified by no maxim of mercantile policy. By prudent perſeverance, in meaſures moderate and juſt, much has already been gained. To derive every poſſible advantage from the American trade nothing more is wanting, than for the nation to be quiet and the Parliament to ſit ſtill. For, the intereſt of individuals on both ſides will finally regulate the demand and the ſupplies, without the interference of the Legiſlature, or the help of a commercial treaty.

FINIS.